

ACCOMPLISHMENTS OF THE
REGULAR SESSION OF THE 59TH LEGISLATURE, 1965
(Summary by the Staff of the
Texas Legislative Council, June, 1965)

The Regular Session of the 59th Legislature adjourned on May 31, having dealt successfully with all the major issues before it within the 140 days allotted by the Constitution for biennial sessions. For this reason, it has been termed one of the most productive sessions in the history of the state. Before it convened on January 12, this Legislature was generally conceded to be facing a greater and more varied assortment of problems than any such body in recent history.

It was faced with a judicial mandate to reapportion congressional and legislative districts to comply with the "one man-one vote" standard set forth in federal court decisions. Redistricting in order to meet this standard was destined to produce changes in all districts and especially drastic ones in the state Senate, which was patterned after the upper house of the United States Congress in being districted only partially on the basis of population and traditionally reflected other standards such as community of interest and area representation.

The Legislature was challenged to provide effective coordination and adequate financing for higher education to help Texas achieve excellence in that field and thus insure its future in a highly competitive and increasingly complex society where industrial development, progress and prosperity are dependent upon brainpower and technological know-how.

The Minimum Foundation Program required additional funds for the rapidly growing public school enrollment. In addition, the Legislature was asked to provide pay raises for public school teachers and was presented with two conflicting plans for providing these salary increases.

The Legislature was requested to make improvements and drastic changes in the way the state treats and cares for its mentally ill and mentally retarded citizens and to authorize an effective program for the eradication of tuberculosis.

It was asked to provide for comprehensive planning, research and financing for the full development of Texas water resources.

The revised Code of Criminal Procedure and the Uniform Commercial Code had been prepared for legislative consideration.

Almost every agency and service of state government was asking for more money to make more services available to more people. As a result, the 59th Legislature was presented with the biggest budget in Texas history--

more than three and a half billion dollars to finance state government for the two years beginning September 1, 1965.

Under the leadership of Lieutenant Governor Preston Smith and Speaker of the House Ben Barnes, the 59th Legislature was quickly and efficiently organized to begin its work.

This Legislature handled a record volume of business--more than any other recent session and perhaps more than any session in history. More bills were introduced, reported from committee, given floor consideration and finally passed than in any previous Legislature within the last 15 years.

Whereas about 1,450 bills have been introduced in the average legislative session in the last 15 years, 1,774 bills were introduced in the 59th Legislature--1,187 in the House and 587 in the Senate. This is an increase of almost 19 per cent. Also introduced were a total of 132 joint resolutions proposing amendments to the Texas Constitution--84 in the House and 48 in the Senate. This was in addition to 333 concurrent resolutions, 197 introduced in the House and 136 in the Senate, and numerous simple resolutions which were considered by only one house. Disregarding simple resolutions, a total of 2,239 measures was introduced..

In regular sessions of the Legislature in the last 15 years, approximately 36 per cent of the bills introduced have been finally passed, an average of 524 bills per session. The 59th Legislature bettered this record by about 7 per cent, with a total of 762 bills, or 43 per cent of the total introduced, being approved by both houses and sent to the Governor for signature. Considering the records of the upper and lower houses individually, 46 per cent of the bills introduced in the Senate, 271 of the 587, were passed, as compared to 41 per cent of the bills introduced in the House, 491 of the 1,187 introduced.

Of the 132 joint resolutions proposing constitutional amendments introduced, 27, or 20 per cent of the total, were approved and will be submitted to the voters during the next two years. Twelve of the 48 introduced in the Senate and 15 of the 84 introduced in the House were passed.

Concurrent resolutions, which usually deal with less important and less controversial matters, achieved a much higher ratio in terms of number passed, with about 74 per cent of the 333 introduced approved by both houses. This included 113, or 83 per cent, of those introduced in the Senate and 133, or 68 per cent, of those introduced in the House.

The quality as well as the quantity of legislation passed is noteworthy. Many of these bills and resolutions are of major significance, and they will be discussed under appropriate subject-matter headings. Of course it is impossible to mention all the legislation passed or to deal with any measure in great detail. A report listing each bill passed is in the hands of all legislators. (See Texas Legislative Service, Final Report, Regular Session, 59th Legislature, January 12-May 31, 1965, plus supplemental report issued June 21, 1965, showing final disposition by the Governor of all measures sent to him for signature.)

Congressional and Legislative Redistricting

Among the foremost accomplishments of this Legislature were formulation and passage of the congressional and legislative redistricting bills. These important and difficult tasks were made necessary by a series of federal court decisions, and the state was under court order to complete the work before August 2, 1965. Congressional redistricting is accomplished by House Bill 67, House of Representatives redistricting by House Bill 195, and Senate redistricting by Senate Bill 547.

In dealing with the problem of reapportionment, the Legislature tried to follow the court mandate that districts must be contiguous, compact, and substantially equal in population. In addition, efforts were made to maintain a community of interest within the districts and to avoid separating areas of like interest. The Federal District Court in Houston must still approve these plans before the issue is finally settled.

The 150 seats of the Texas House of Representatives are apportioned into single-member, multi-member and flotorial districts with a maximum deviation of 15 per cent from the average, or ideal, population. The 31 Senate seats are apportioned into single-member districts with a maximum variation of 11 per cent from ideal population. The 23 congressional seats to which Texas is entitled are apportioned into single-member districts with a maximum variation of 10 per cent from ideal population.

The Legislature also passed a proposed constitutional amendment (Senate Joint Resolution 44) which, if approved by the voters, would expand the membership of the Senate from 31 to 39 members. This is an attempt to solve at least part of the problem brought about by the necessity of making all districts equal in population. It was thought that if the number of Senate seats were increased, rural areas would retain approximately the same representation while heavily populated metropolitan areas would be given more representation. In addition, the smaller number of people necessary for a Senate district would possibly reduce the land area in some of the larger districts. There is, however, no existing legislation to apportion the state into 39 senatorial districts. Should the proposed constitutional amendment be approved by the voters on September 7 of this year, the Legislature would probably have to be called into special session to apportion the Senate on a 39-member basis.

Education

If the 59th Legislature is remembered by posterity for any particular achievement, it will probably be for its role in improving and upgrading education in the state. Expressing a collective conviction that money which goes into education is an investment in the future of Texas, legislators did not stint in providing funds nor in strengthening the statutory basis for quality education at all levels. Of the 3.65 billion dollars which the state will spend during the next two years under provisions of the General Appropriations Bill, about 1.7 billion dollars--

or 46 per cent of the total--will go for education. The state's share of the teacher pay raise, which will come to about 70 million dollars, will increase this figure.

Higher Education

Implementing the recommendations of the Governor and the Committee on Education Beyond the High School, the 59th Legislature provided a strong central coordinating authority for all higher education, including the public junior colleges which have been under the jurisdiction of the Texas Education Agency. The 18 members who will constitute the Coordinating Board, Texas College and University System, will be the highest authority in the state in matters of public higher education. Members will be appointed by the Governor for six-year overlapping terms, and no member may be employed professionally for compensation in the field of education during his term of office. The board will appoint a Commissioner of Higher Education, who will select and supervise the agency's staff. The board is also authorized to appoint advisory committees from outside its membership.

House Bill 1, which created the coordinating board, will become effective September 1, 1965. Twenty-two state-supported four-year colleges and 31 public junior colleges will initially come under the scope of the coordinating group, plus any other such institutions which may be created in the future. Among the broad powers and authorities of the board will be classifying and prescribing the role and scope of each public institution of higher education in Texas and making changes in classification, role and scope as it deems necessary. This central coordinating group should be instrumental in helping the state utilize its total resources for higher education as effectively and efficiently as possible.

Texas will spend more than 460 million dollars in support of higher education during the next two years--an increase of almost 91 million dollars over spending levels of the last biennium. Much of this additional money will be used to improve vocational and technical education, to extend state aid for public junior colleges into areas other than direct instructional costs, to increase faculty salaries, to improve libraries, to promote research, and to expand facilities to meet increased enrollments.

More specific legislation affecting higher education includes Senate Bill 407, which transferred Arlington State College from the Texas A & M University System to The University of Texas, and Senate Bill 487, under authority of which Texas A & M will operate the new "James Connally Technical Institute" to be established near Waco using facilities which will become available when the federal government closes James Connally Air Force Base.

Two new four-year state-supported colleges were authorized, but bills creating both were vetoed by the Governor.

The name of East Texas State College at Commerce was changed to East Texas State University by House Bill 333, and Sam Houston State Teachers College at Huntsville was redesignated Sam Houston State College by provisions of Senate Bill 374. The Board of Regents for State Teachers Colleges, which administers these and other similar institutions, was enlarged and renamed Board of Regents, State Senior Colleges, by House Bill 13.

Senate Bill 91 authorizes banks, savings banks, trust companies, building and loan associations, and insurance companies to invest in bonds issued by governing boards of institutions of higher education. Such bonds are made eligible to secure public funds of the state and its political subdivisions.

An emergency appropriation to replace a science building destroyed by fire was made to Lamar State College at Beaumont by Senate Bill 177. Senate Bill 241 authorizes The University of Texas to construct and equip a building in Midland to house the offices of University Lands, Geology and Land Agent and related agencies necessary to the administration and development of University lands in West Texas.

Power of eminent domain was granted The University of Texas by House Bill 492 and to Pan American College in Edinburg by Senate Bill 53. A number of other bills granted institutions of higher education power to acquire, transfer, lease, purchase or grant easements through property.

On November 2, Texas voters will be asked to approve an amendment to the Texas Constitution (House Joint Resolution 11) which will set up a loan program for students who have the ability and desire but not the financial resources to get a college education. This loan program, known as the Texas Opportunity Plan, will be financed by the issue of 85 million dollars in bonds. Enabling legislation for the plan is provided by Senate Bill 310. Loans would be available to eligible students in accredited Texas institutions of higher education, either public or private. Ordinarily, the amount of the loan would not exceed that which could reasonably be repaid within five years after enrollment, except for medical and dental students and those seeking graduate or professional degrees. Loans would be for the shortest possible period. Interest would be as low as possible and would not be charged while the student is enrolled. The loan fund would be administered by the Coordinating Board, Texas College and University System. To qualify, a student would be required to be a resident of Texas, be accepted for enrollment at an accredited institution, be unable to finance his own college education, and be recommended by reputable persons in his own community.

This Legislature also provided additional tuition scholarships and exemptions from tuition. Senate Bill 388 provides for uniformity in granting tuition scholarships to high-ranking high school graduates. Under its terms, the highest-ranking graduate of each accredited high school in the state may receive a tuition scholarship at a state-supported or state-aided institution

of higher education for both semesters of the first regular session following graduation. At the discretion of the institution's president, this scholarship may be deferred for a good reason, such as military service, to any of the first four regular sessions after graduation.

Exempted from payment of tuition and other fees at state-supported institutions of higher education by House Bill 48 are children of persons in designated occupations who have suffered injury in the line of duty resulting in death or disability. These occupations include paid or volunteer firemen, paid municipal, county or state peace officers, custodial employees of the Texas Department of Corrections and game wardens. Similarly exempt, under terms of House Bill 479, are orphans of members of the Texas National Guard and the Texas Air National Guard who have been killed on active duty since January 1, 1946.

Blind and deaf students are also exempt from tuition at state-supported colleges and universities under provisions of House Bill 853. To qualify, they must be Texas residents and be certified as deaf or blind by the Commissioner of Higher Education upon the recommendation of their high school principals. They must hold high school diplomas or the equivalent; must submit proof of good moral character, which may be evidenced by a letter from their high school principals; and must provide proof that they meet the entrance requirements of the institutions of higher education they plan to attend. Such institutions are authorized to establish special entrance requirements to meet the circumstances of blind and deaf students.

Furthering efforts to assist developing nations in this part of the world and to promote good relations with neighboring countries, Senate Bill 203 exempts from tuition at Texas state-supported or state-aided institutions of higher education 200 native-born students from other nations of the Western Hemisphere each year. Not more than 10 students from any one nation may qualify for this exemption.

Resident tuition rates, rather than the higher charges made for students from out of state, are made applicable to a number of persons by House Bill 675, regardless of the length of residence. Included are members of the Army, Army Reserve, National Guard, Air Force, Air Force Reserve or Marine Corps stationed in Texas in addition to teachers, professors or other employees of state-supported or state-aided institutions of higher education. Husbands, wives and children of such persons may also be enrolled at resident tuition rates.

Public Schools

Expenditures for the public schools provided by the General Appropriations Bill total well over a billion dollars for the next two years, and this does not include the state's share of the teacher pay raise. This Appropriations Bill amount is an increase of more than 102 million dollars over the spending

level for last biennium. Much of this is accounted for by growth of total enrollment which automatically increases the state's share of costs under the Minimum Foundation Program.

Probably the most publicized piece of legislation passed by this session in the area of public school education was the teacher pay raise, provided by Senate Bill 4. Perceptiveness and hard work on the part of many legislators, the Governor and representatives of the Texas State Teachers Association eventually brought about agreement on a compromise between the TSTA's request for an across-the-board \$45 a month pay raise and the Governor's plan for gradual salary increases based on merit, experience and educational qualifications.

The plan embodied in Senate Bill 4 is designed to keep the best possible teaching talent in Texas public school classrooms. It will provide increases ranging from \$90 a year for a beginning teacher with a bachelor's degree and \$117 a year for a beginning teacher with a master's degree to \$1,089 annually for a teacher with a master's degree and 18 years of experience.

The plan adopted will allow 58,000 of the state's 100,000 teachers to receive larger raises than they would have under the \$45 in '65 proposal. It will also allow more generous and much-deserved increases for teachers who have spent long years of dedicated service in the profession. The estimated cost of the raises provided by the plan is 101 million dollars, of which the state will pay about 70 million dollars and local districts 31 million. Senate Bill 580 appropriates \$71,000 for each year of the next biennium to provide comparable salary increases for teachers employed by the State School for the Deaf, Texas School for the Blind, and Texas Blind, Deaf and Orphan School.

Senate Bill 4, in addition to providing salary increases for teachers, sets up a 15-member Governor's Committee on Public School Education to study the status of present organizational and philosophical structures within the framework of the Minimum Foundation School Program and to conduct a pervasive inquiry into every facet of Texas public elementary and secondary education. The committee, to be appointed by the Governor, is directed to develop, formulate and recommend to the Governor and the Legislature a definite long-range plan that will enable Texas to emerge as a national leader in educational aspiration, commitment and achievement. The report and recommendations are to be made not later than August 31, 1968, and it is visualized that this group will serve the same function in relation to public education as the Governor's Committee on Education Beyond the High School did for higher education.

The House of Representatives, under authority of House Simple Resolution 467, will also have a special five-member committee continuing the study of problems confronting education in Texas which was begun by the 58th Legislature. Committee members will be appointed by the Speaker of the House.

House Bill 51 raises the maximum age for compulsory school attendance from 16 to 17, so that all children in the state between the ages of 7 and 17 are now required to attend school at least 165 days a year. Deaf children are now subject to the compulsory school attendance law under House Bill 852. These children were formerly exempt from compulsory attendance because the public schools usually did not have facilities for their education, but with the provision of special education classes and improved equipment and teaching techniques, they can now function and learn in the public school setting. Participation of school districts in other contiguous counties in the bi-county day school for the deaf operated by Orange and Jefferson Counties was authorized by House Bill 1092.

The statute providing special education classes for exceptional children was amended by Senate Bill 306 to increase the number of classroom teacher units in the pilot project for emotionally disturbed children from 6 to 20 a year. Senate Bill 125, a bracket law applicable to Bexar County, will permit expenditures from local school funds for the evaluation, counseling and treatment of emotionally disturbed children.

The maximum age up to which children may participate in the state's special education program for the totally deaf and blind or totally blind and non-speaking was raised from 18 to 21 years by Senate Bill 39. This legislation corrected an oversight of the 58th Legislature, 1963, which raised the maximum age to 21 in all other special education programs.

Providing free textbooks and certain other special educational materials for blind children in the public schools is authorized by Senate Bill 35. Statutory qualifications set for the superintendent of the State School for the Blind were amended by House Bill 183 to permit more flexibility in seeking a new head for the school.

Prevention of blindness is the object of Senate Bill 121, which requires both teachers and pupils to wear eye protective devices in shop or other courses where hazardous conditions prevail.

For some time, the difficulties of certain exceptional children in trying to utilize regular transportation provided for school children have been recognized. Severely handicapped children have had especially serious problems. Senate Bill 190 authorizes an additional special transportation allowance under the Minimum Foundation School Program beginning in the 1967-68 scholastic year. An annual transportation cost allotment of \$150 a year will be made for each physically, orthopedically, or visually handicapped, deaf or trainable mentally retarded child who is unable to utilize regular transportation services. This fact must be certified to the Commissioner of Education by the local district in the case of each child, along with a statement that the child would be unable to attend the exceptional children class unless the special transportation is provided. The transportation thus made possible could be designed to provide special seat belts and accommodate wheel chairs and children wearing braces or using crutches. It would also ease the problems which arise when classes for

such children are held in buildings or classrooms at locations which require transportation schedules and routing conflicting with those for regular pupils.

As an alternative to operating a public school transportation system, House Bill 355 authorizes county boards of school trustees and independent school districts to contract for bus service with public transportation companies for all or any part of the transportation required if an economically advantageous contract can be obtained. Any contract of this kind is subject to review by the Commissioner of Education and approval by the State Board of Education. After such approval, the contract price for the service will be included in the annual transportation cost allotment for the county or district.

A modification of the stipulation that no child residing within the city limits shall be transported at state expense unless he lives more than two miles by the nearest practical route from the public transportation service of the city received the Governor's veto.

The state will assume a portion of the cost for new instructional techniques used in the public schools under terms of two bills passed this session.

The establishment of Regional Education Media Centers by the State Board of Education and the Texas Education Agency is authorized by Senate Bill 408. These centers would fill the need for a general state-wide program for the purchase and distribution of educational material. Participating districts and the state will share the costs on a formula basis, and the state's share will be paid from the Foundation School Fund beginning in the 1967-68 scholastic year. These centers will make available to participating school districts a lending library service for educational motion picture films, slides, film strips, recordings, tapes, programed instructional materials for remedial and enrichment purposes and similar materials. Duplicating service on some of these materials would also be provided, along with professional consultation on the effective and efficient use of such instructional aids.

As authorized by Senate Bill 149, the state will also provide financial support on a limited basis for instructional television services to enhance classroom instruction in both elementary and secondary schools. Under this law, a school district may contract for available educational television programs and be reimbursed from state funds for half the cost, not to exceed 75 cents per pupil in average daily attendance for the preceding school year. Local districts will bear the remainder of the cost. The law further limits the state's financial participation by providing that its share, to be paid from the Foundation School Fund, shall not exceed \$500,000 for the next biennium.

The Texas Education Agency is given authority by House Bill 925 to combine average daily attendance of a school district, after a timely request by the district, for the purpose of determining professional unit allotments under the Foundation School Program Act. This law is effective beginning with the 1965-66 school year.

Furthering support of the technical vocational schools is House Bill 130, which authorizes the use of county available fund apportionments in the operation of such schools and financing facilities for them. The law provides that the districts will not be held accountable for or charged with county available school funds in determination of eligibility for Minimum Foundation School Program Funds.

A comprehensive vocational and technical education program in the public schools of the state set up by House Bill 991, the "Technical-Vocational Act of 1965," was vetoed by the Governor because it duplicated the subject matter of other legislation enacted.

Provision for the support and development of vocational education to encourage industrial and economic growth is made in House Bill 490, which creates a county-wide vocational school district in each county in the state and authorizes counties to levy and collect a county-wide vocational school tax to support such programs. Any student who is 14 years old on September 1 would be eligible to attend a school in his county designated as operating an area vocational school program.

The board of trustees of any public school district in the state is authorized by House Bill 580 to conduct and supervise vocational and other educational programs for students of all ages and to spend local maintenance funds for this purpose. Such programs are subject to rules and regulations adopted by the Texas Education Agency, and in connection with them district boards of trustees are authorized to acquire or lease real and personal property and to contract or enter into agreements with state and federal agencies, persons, partnerships, firms or corporations.

All the plans authorized by these bills are in addition to a greatly expanded program of technical-vocational education in the public junior colleges.

Also in the area of public school education, a number of special and local laws were passed pertaining to local school district elections, taxes and trustees. Several pieces of legislation with limited application were enacted relating to the office of county school superintendent, some of which abolished the office in designated counties.

Mental Health and Mental Retardation

The 59th Legislature, in implementing the basic philosophy and a number of the recommendations developed by the State-Wide Citizens Committee for Mental Health Planning, made possible a bold new beginning in the treatment and care of the mentally ill and mentally retarded. Emphasis is on providing more treatment and services for persons in need of them in or near their home communities and on doing away with the "warehousing" of patients in state institutions.

A new Texas Department of Mental Health and Mental Retardation is created by House Bill 3 to coordinate efforts in this area. It is given responsibility for functions related to mental health and mental retardation which were formerly carried on by the Board for Texas State Hospitals and Special Schools and the Texas State Department of Health. A nine-member Texas Board of Mental Health and Mental Retardation, appointed by the Governor for six-year overlapping terms, will appoint a Commissioner of Mental Health and Mental Retardation to head the department. Subject to approval of the board, the commissioner will appoint a Deputy Commissioner for Mental Health Services and a Deputy Commissioner for Mental Retardation Services.

All state hospitals for the mentally ill and state schools for the mentally retarded will be under the management and control of the department, as well as the Houston State Psychiatric Institute for Research and Training. It is also given authority to establish additional institutes devoted to research and training to support the development and expansion of mental health and mental retardation services.

Specific authorization for the department to establish a new Dallas Neuropsychiatric Institute for treatment, teaching, and research is contained in House Bill 348. It will be located adjacent to and would utilize the staff, students and research facilities of The University of Texas Southwestern Medical School. A \$250,000 appropriation to finance the planning, construction and initial equipping of this facility is contained in House Bill 1167.

Another important aspect of House Bill 3 is its provision for the establishment of community centers for mental health and mental retardation services. Such centers may be established by a single local agency or a combination of agencies, and each will have nine qualified voters of the region serve as a board of trustees. State grants-in-aid are available to centers which serve a region with a population of 100,000 or more and which meet qualifications set forth by the rules of the department. The state will spend more than a million dollars during the next two years on contract treatment and new outpatient clinics.

Continuation of authority for the department to contract for research in mental illness is provided by House Bill 700. Existing statutory authority to enter into such contracts expires on August 31, 1966.

Senate Bill 336 authorizes the department to furnish equipment, materials, and merchandise for occupational therapy programs at institutions under its management and control. Embodying statutory recognition of the value of such programs in the treatment of mental illness and mental retardation, the law also authorizes superintendents of institutions to enter into agreements with private persons or corporations to furnish equipment and materials for this purpose.

The private nature of information in mental illness cases docketed by county clerks is recognized by House Bill 216, which provides that these

records may be inspected and copied only when in the public interest by order of the county judge, probate judge, judge of the court of domestic relations, or a district judge of the county in which the records are kept. Such records are now open to inspection by anyone, and the new law is designed to discourage persons who might secure and use such information for improper purposes.

To insure that state hospitals have all possible information about the background and history of mentally ill persons who have been committed, Senate Bill 51 requires that the clerk of the county court send to the hospital with the patient a certified transcript of the proceedings in temporary hospitalization or indefinite commitment hearings, along with any other available information concerning the medical, social and economic status and history of the patient and his family.

The head of a mental hospital in which a patient is confined is designated the patient's agent for service of process by House Bill 637. The person receiving process is required to sign a certificate with his name and title to be attached to the citation and returned by the serving officer. Within three days, the person receiving process under the provisions of this law must forward it by registered mail to the patient's legal guardian or deliver it to the patient personally, as he deems in the best interest of the patient.

The establishment of additional state schools for the mentally retarded as they may be needed, with no mention of a specific number, is authorized by House Bill 41. Nine such schools are already in existence or under construction. The General Appropriations Act contains funds for construction of a new state school for the mentally retarded at Corpus Christi. An independent school district was created at another of the newer ones, Lubbock State School, by terms of House Bill 703.

The state has appropriated more than \$700,000 for community services to the mentally retarded during the next two years. A Texas Mental Retardation Planning Study similar to the one completed last year in the area of mental health will also be in progress.

Control and Treatment of Tuberculosis

Just as House Bill 3 centralizes responsibility for mental health and mental retardation programs in the Department of Mental Health and Mental Retardation, Senate Bill 130 unifies and consolidates in the State Department of Health all the functions of case finding, follow-up, treatment, cure, prevention, eradication and control of tuberculosis in the state. The four tuberculosis hospitals now operated by the Board for Texas State Hospitals and Special Schools will be transferred to the State Department of Health, and the department is given authority to operate outpatient treatment clinics and to contract for the care and treatment of tuberculosis patients under its jurisdiction. It is also responsible for examining all pupils in the first and seventh grades of all Texas schools, whether public or private, for tuberculosis

infection. All pupils transferring to schools in Texas from other states or foreign countries will also be examined. Annual examinations will be required of school personnel, and persons seeking to perform migratory labor in the state will be required to have a certificate stating that they have had tuberculosis examinations within 60 days prior to employment.

The law provides for a Tuberculosis Advisory Committee to assist and counsel with the State Department of Health in the program. It will be composed of 12 members appointed by the Governor for six-year overlapping terms. Specified to be included in the committee membership are representatives of the Texas Tuberculosis Association, Texas Thoracic Society, the Texas Chapter of the American College of Chest Physicians, and the Texas Hospital Association. Of the additional members, one must be licensed to practice medicine by the State Board of Medical Examiners, and the other seven are to be chosen from the public at large, with the stipulation that not more than three additional members may be licensed to practice medicine. The Commissioner of Health will appoint a Director of the Division of Tuberculosis Services with the advice of this committee, and it will also meet periodically with boards, officials and employees of state and voluntary agencies concerned with treatment and control of tuberculosis. In addition, the Commissioner of Health is directed to appoint a Credentials Committee, consisting of an unspecified number of persons licensed to practice medicine in the state, to work with the Director of the Division of Tuberculosis Services in matters relating to contract medical care and treatment.

This law includes a penal provision making persons found guilty of violating it subject to a fine of not less than \$50 nor more than \$500 or by imprisonment in the county jail for not more than 30 days, or both.

Special provisions for the care and treatment of mentally ill or mentally retarded persons with tuberculosis are made by House Bill 1148. It provides that effective September 1, 1965, the neuropsychiatric wards of the San Antonio State Tuberculosis Hospital will be under the supervision of the State Department of Health and operated as a part of the hospital. The Texas Department of Mental Health and Mental Retardation is authorized to transfer mentally ill or mentally retarded patients to this facility for care and treatment. The law will resolve a conflict as to which state agency has jurisdiction in this area. It was the general consensus that such persons could be better treated and cared for in a tuberculosis hospital.

Water

This Legislature took some significant and long-needed action to make possible better development and utilization of the state's water resources, which are the key to future growth and industrial development of Texas. Sweeping revisions were made in the water program by a number of laws passed this session.

One of the most important is Senate Bill 146, which reorganizes state agencies administering laws relating to water resources administration and development. The six-member Texas Water Development Board, to be appointed by the Governor with the advice and consent of the Senate, is charged with the preparation, development and formulation of a comprehensive state water plan for Texas, including definition and designation of river basins and watersheds as separate units for purposes of water development and inter-basin transfers. The board will also administer the Texas Water Development Fund.

Because there was some apprehension about the plan to transfer water from those areas with a surplus to areas which are dry and in need of moisture, the law stipulates that the board will not prepare any plan for the transfer of water from the basin of origin to an outside area if the water supply involved will be required for the reasonably foreseeable water requirements in the basin of origin in 50 years. Temporary, interim transfers may be ordered, however. Of course large-scale transfers of water are technologically impossible now, but the plan would provide for orderly administration of such a program in the future. More than 100 water transfer projects are operating in the United States today. The first in Texas is the new Canadian River project which will supply water for a large area in the Panhandle and South Plains.

The present Texas Water Commission was reconstituted as the Texas Water Rights Commission by Senate Bill 145. It will have sole responsibility for water rights administration.

Another important segment of the water program is Senate Joint Resolution 19, which will be submitted to Texas voters on November 8, 1966. It would authorize the issue of bonds to add another 200 million dollars to the Texas Water Development Fund, bringing the total permissible issue to 400 million dollars. The amendment would also authorize state participation in inter-basin transfers of water.

Senate Bill 144 authorizes the spending of the second 100 million dollars of the present 200-million-dollar Water Development Fund set up by a constitutional amendment in 1957. This amount is expected to be used for loans to local governments or committed for the purchase of storage space in reservoirs during the next biennium. Benefits available under the Texas Water Development Fund program are made applicable to the development of subsurface water resources by the provisions of House Bill 231. Previously, financial aid could be extended only for the development of surface water, and some areas of the state were receiving little or no benefit from the program.

Pollution of inland water has become an acute problem in some areas of the state. In an effort to settle the dispute over responsibility for oil field pollution, an issue which is now in the courts, the 59th Legislature provided by passage of House Bill 785 that the chairman of the Texas Railroad Commission shall become a member of the Water Pollution Control Board on September 1, 1965. The present member representing the oil and gas industry will be

replaced by a citizen appointed by the Governor. This law gives the Railroad Commission sole responsibility for control and disposition of waste and abatement and prevention of water pollution, both surface and subsurface, resulting from activities associated with oil and gas exploration, development and production.

Another effort to help prevent pollution of the state's underground water was made by passage of House Bill 77, which regulates the business conduct of persons drilling water wells and creates the Texas Water Well Drillers Board. The board will consist of nine members, including the chairman of the Texas Water Commission or his representative, the executive secretary of the State Water Pollution Control Board or his representative, the chairman of the State Board of Health or his representative, and six water well drillers from different areas of the state appointed by the Governor and confirmed by the Senate. Only the drillers will be voting members, with the other persons serving in advisory capacities.

The board will examine and license eligible persons as water well drillers. A \$25 registration fee and a \$25 annual renewal fee will be charged. Any water well driller in the state on the effective date of the Act may be registered without examination if he files an application and pays the \$25 registration or renewal fee no later than August 31, 1966.

Licensed drillers must mark their equipment with the numbers on their registration certificates and must, among other duties, transmit to the Texas Water Commission within 60 days of completion or cessation of drilling a log on every well drilled, deepened or otherwise altered. Drillers have the further responsibility to inform persons for whom wells are being drilled when they encounter injurious water which is a pollution hazard and advise them that the well must be plugged in an acceptable manner. Reports of the plugging of such wells must be made to the Texas Water Commission within 30 days.

The 59th Legislature, by passage of House Bill 232, recognized the inevitable ties between water and soil conservation and authorized changing the name of soil conservation districts to soil and water conservation districts. The State Soil Conservation Board, which has provided leadership in the evolution which expanded activities of local districts to cover water conservation, was renamed the State Soil and Water Conservation Board.

Two interim committees of the House of Representatives will be studying water problems. House Simple Resolution 497 authorizes a five-member committee to study the water situation in the state and to examine federal and state proposals and laws in this field passed by the 59th Legislature. The committee, to be appointed by the Speaker, will consist of three members of the House of Representatives and two members of the public at large. House Simple Resolution 556 creates a 10-member committee to study the problem of salt pollution of inland waters. The Speaker is to appoint five members of the House and five members of the public at large to this group, which will confine its study to areas outside coastal waters.

In the Senate, a legislative study on multiple use and pollution of all waters of Texas will be continued under authority of Senate Concurrent Resolution 9. The 11-member committee consists of three senators appointed by the Lieutenant Governor, three representatives appointed by the Speaker of the House, and five public members appointed by the Governor.

All these committees are directed to report findings and recommendations to the 60th Legislature in 1967.

A number of local and special laws were passed creating new water districts or governing the affairs and administration of such districts. Among these were House Bill 454, creating the Sabine River Navigation District and House Bill 1136, establishing the Deep East Texas Interbasin Navigation District. House Bill 1042, which enlarged the Upper Colorado River Authority, was vetoed by the Governor.

State Departments and Agencies

In addition to creation of the new Department of Mental Health and Mental Retardation a number of state departments and agencies will be established or affected by laws enacted by the 59th Legislature.

The Texas Fine Arts Commission created by House Bill 273 will consist of 18 members representing all fields of the fine arts. The commission will be appointed by the Governor and confirmed by the Senate. Generally, it will have the duty to foster development of a receptive climate for fine arts in the state. Specifically, it will assume the functions of the Board of Mansion Supervisors, which is abolished, and will act as an adviser to the State Building Commission, the State Board of Control, the Texas Historical Survey Committee, the Texas State Library, the Texas Tourist Development Agency, the State Highway Department and other agencies in encouraging an appreciation of the fine arts in Texas.

As has been discussed, the major functions of the Board for Texas State Hospitals and Special Schools, which this Legislature abolished, will be transferred to the Department of Mental Health and Mental Retardation and the State Department of Health. Miscellaneous institutions which have been under its jurisdiction were transferred to more appropriate agencies. The Alabama-Coushatta Indian Reservation near Livingston was placed by House Bill 1096 under a new Commission for Indian Affairs. The Texas Blind, Deaf and Orphan School for Negro children was transferred to the Texas Education Agency by Senate Bill 143. Control and management of the Moody State School for Cerebral Palsied in Galveston was transferred to The University of Texas Medical Branch in that city by Senate Bill 224.

The name of the Confederate Home for Men in Austin, which will be under the jurisdiction of the Department of Mental Health and Mental Retardation, was changed to Austin State Hospital Annex by House Bill 501.

The Migrant Labor Council was abolished and its duties transferred to the Good Neighbor Commission by Senate Bill 179. House Bill 102 transferred responsibility for the supervision of Historical State Battlegrounds, the San Jacinto Battleground and the Fannin State Battleground to the Parks and Wildlife Department from the Board of Control. The Texas Historical Survey Committee is authorized by Senate Bill 64 to name natural geographical features except those previously named under statutory authority and those located on private property when consent of the owner cannot be secured. Rivers, streams, and other watercourses must be named in accordance with practices of the United States Department of Interior Board on Geographic Names. There is a specific stipulation that no feature may be named for a living person.

The Texas Library and Historical Commission is empowered by Senate Bill 66 to cooperate with the federal government in implementing a state plan for public library services and construction. Similarly, Senate Bill 163 designates the Department of Public Welfare to cooperate with the federal government in the administration of the Economic Opportunity Act of 1964.

To improve general coordination of state-federal relations, House Bill 1004 establishes the Division of State-Federal Relations in the Office of the Governor. A director of the division will be appointed by the Governor with Senate confirmation and may maintain office space inside and outside the state at such places as he, with the approval of the Governor, may direct. The director's duties will include coordinating all state and federal programs dealing with the same matter; informing the Governor and the Legislature of existing federal programs which may be carried out in the state or which affect state programs; supplying federal agencies and Congress with information about matters in the state which are of concern to the federal government; and providing the Legislature with information useful in measuring the effect of federal programs on state and local efforts.

A permanent agency, to be designated the Governor's Committee on Aging, was created by Senate Bill 12 to carry on research and develop programs related to the state's almost one million citizens who are 65 years of age or older. This work has heretofore been carried on by temporary and interim groups.

Statutory framework for the orderly development and management of automatic data processing systems in state government is provided by House Bill 926. It establishes in the office of the State Auditor an Automatic Data Processing Systems Division to maintain comprehensive current information relating to all automatic data processing systems and equipment and to supply advice concerning the need for and feasibility of installation of such equipment. The law is intended to provide a unified plan to coordinate data processing activities in state agencies and to eliminate waste and unnecessary duplication of effort and expense.

Senate Bills 244, 245 and 246 provide for orderly review, selection and disposal or preservation of state records. "The Preservation of Essential Records Act," Senate Bill 246, sets up a Records Preservation Advisory Committee with the State Librarian as chairman and provides that the Director of the Records Management Division is also the Records Preservation Officer. Essential state records which are to be preserved under the Act include those containing information necessary to the operation of government in an emergency created by disaster and those which protect the rights and interests of individuals or which would establish and affirm the powers and duties of government in the resumption of operations after a disaster. Duplicates of such records are to be made and stored in safe facilities. Certain enumerated state agencies are directed by Senate Bill 245 to review and sort records, preserve those which are needed, and request destruction of those which are no longer of value. The State Auditor is required by provisions of Senate Bill 244 to include in his audit of various agencies the degree to which they have complied with records disposal instructions and transfer agreements to reduce filing space and equipment.

Membership of the Hospital Advisory Board is revised by Senate Bill 263 to include members of non-governmental agencies and public agencies concerned with hospitals. It was felt that this would provide a more representative cross-section of experience and viewpoints.

State Employees

Merit salary raises for state employees are authorized by Senate Bill 563 in addition to salaries and wages provided in the General Appropriations Bill. "Meritorious service" is defined in the law as consistent performance above that normally expected or required. Most state employees will receive a salary increase equal to one step in the Job Classification Plan for each year of the biennium by provisions of the General Appropriations Bill, without consideration of the authorized merit increases. State employees on official travel will receive \$12 per day allowance for meals and lodging beginning September 1, rather than the present \$9 maximum.

Senate Bill 493 permits the re-employment of retired appointive state officers or state employees on a limited part-time or consulting basis, not to exceed six months within any one year, without loss or reduction of benefits under the State Employees Retirement System. This will permit utilization of the valuable training, abilities, skills and experience of retired officials and employees without requiring them to forfeit State Retirement System benefits.

In order to clear up conflicts and ambiguities occasioned by the fact that the salaries of many state officers and employees are fixed by statute,

House Bill 122 provides that all such salaries shall be in such amounts as provided by the Legislature in the General Appropriations Act. This law also provides that the Legislature shall fix the supplemental salaries out of court fees and receipts to be paid clerks and other employees of the Court of Civil Appeals, the Court of Criminal Appeals and the Supreme Court.

Senate Bill 233, which would have vested in the Comptroller of Public Accounts the authority to interpret laws with respect to claims and accounts presented for payment rather than verifying their accuracy, was vetoed by the Governor.

State Land and Buildings

"The State Building Construction Administration Act," House Bill 37, transfers from the Board of Control to the State Building Commission authority to centralize all engineering and architectural services for state facilities other than institutions of higher education, the State Highway Commission, the Texas Department of Corrections, and repair and rehabilitation projects which do not require the advance preparation of working plans or drawings. The law is designed to assure orderly and adequate advance planning of building projects undertaken by the state and to provide a uniform policy and procedure for the inspection of building construction work-in-progress to protect the public interest.

Senate Bill 391, which would have added the Lieutenant Governor to the membership of the State Building Commission replacing the chairman of the Board of Control, was vetoed by the Governor on the ground that the Lieutenant Governor is historically aligned with the legislative branch of government and that he would have to be confirmed for that office by the Senate, over which he presides.

An appropriation of 4.7 million dollars is provided in the General Appropriations Act for the construction of a new State Finance Building during the next biennium. Preservation of Gethsemane Church because of its historical significance is authorized by Senate Bill 382. Located on state-owned property near the Capitol in Austin, the church will be maintained by the State Building Commission, with cooperation from the Texas Historical Survey Committee, as a monument to the architecture and church design of the Swedish people. It will be used as a repository for building materials and fixtures from the original Capitol, as a museum to house items of historical significance relating to the religious heritage of Texans of various nationalities, and as a place of rest and meditation.

Senate Bill 397 removes the Governor from membership on the School Land Board and replaces him with an appointed citizen.

Among the several bills quitclaiming the state's interest in land is Senate Bill 132, which grants to Baylor University what is known as the "Old Baylor Property," the original site of the school, in Independence State Park. The banks of the Brazos and Bosque Rivers in Waco are granted to that city by Senate Bill 172 for purposes of recreation, beautification and sanitation.

Oil and Gas

Authority to provide for the pooling of mineral interests into proration units for an oil or gas well under certain conditions is contained in Senate Bill 2. All pooling agreements, offers to pool, or pooling orders must be fair and reasonable according to standards set out in the Act. Pooling interests may not exceed 160 acres for an oil well or 640 acres for a gas well, plus 10 per cent tolerance. The purpose of the law is to avoid the drilling of unnecessary wells, to protect correlative rights and to prevent waste. Provision is made for hearing and appeal on all pooling orders. The law does not apply to any reservoir discovered and produced before March 8, 1961.

Applications, reports and other documents permitted or required to be filed with the Texas Railroad Commission are required by Senate Bill 442 to be under oath, verification, acknowledgment or affirmation. Uniform penalties are provided for filing such documents which are false.

Senate Bill 441 seeks to deal with bodies of oil which have been in storage so long that it is difficult for state officials and inspectors to determine their origin and the circumstances of their production. The law provides that oil which has been in storage for more than six years without being used, consumed or moved into the regular channels of commerce is to be presumed unlawful. This presumption may be rebutted by proof that it was lawfully produced.

Regulation by the Railroad Commission of operators of crude oil gathering systems by pipeline or truck is authorized by Senate Bill 395 unless they are common purchasers and already subject to Commission regulation. Under the provisions of this law, the Commission may also compel common purchasers to buy ratably from producers in order to do away with discrimination in purchases of crude oil.

House Bill 267 sets forth the duties of operators, non-operators and landowners for plugging abandoned oil and gas wells in accordance with Railroad Commission rules and regulations. A procedure whereby owners of undivided mineral interests in Texas land may execute oil, gas and mineral leases when the other owners of such interests are non-residents of this state or when their residences are unknown is provided by House Bill 1011. This will permit leasing and development of mineral resources in such cases.

Business Regulation

Perhaps the most significant action of the 59th Legislature in the area of business regulation is the passage of Senate Bill 141, adopting the Uniform Commercial Code, a comprehensive revision and codification of the law concerning commercial transactions. Twenty-nine states and the District of Columbia, including the neighboring states of New Mexico, Arkansas and Oklahoma, had already adopted the code before 1965 legislative sessions convened. Its adoption in Texas will bring the commercial law of this state into accord with that followed by the majority of the people, financial institutions and businesses of the United States. The jurisdictions which have adopted it contain about three-fourths of the population of the country. In addition, it will update previously adopted uniform laws relating to commercial activity in Texas and codify important areas of law which have heretofore been largely controlled by case-law.

In order to permit Texas citizens to become acquainted with its provisions, the Uniform Commercial Code will not become effective in Texas until June 30, 1966.

The law regulating credit unions is amended by Senate Bill 19 to allow these organizations, at the discretion of their boards of directors, to invest in savings and loan associations and other state and federal credit unions outside the State of Texas. This will permit greater diversification which is desirable for the security of these investments. The law also provides three-year staggered terms for directors and members of the supervisory committee rather than the present one-year terms and permits the payment of semi-annual dividends. Maximum time for repayment of real estate loans will be extended from 180 months to 240 months, and credit unions will be given the same protection which banks and savings and loan associations now have in making payments from credit union share accounts and joint accounts. Another change will permit credit unions to file requests with the State Banking Commission for extension of time to pay the annual supervision fee.

A person who is holding property upon which a lien is due and unpaid may give notice to the owner after 60 days, according to the terms of Senate Bill 514, and if the charges are still due and unpaid 10 days after the giving of notice, the holder may sell the property. If the address or whereabouts of the owner are unknown, the holder is relieved of the duty to give notice.

Amendments to the Texas Trust Act, including several changes to clarify provisions and prevent overlapping and conflict of certain sections, are made by Senate Bills 80, 81, 82 and 83.

Under the terms of Senate Bill 453, a security deposit of costs would be required of any shareholder suing a corporation if the shares he holds have a total par or stated value of less than 2 per cent of the aggregate par or stated value of the corporation or unless the shares or voting trust certificates held have a par value in excess of \$25,000. There is express provision that this amendment cannot be construed to affect, nullify or repeal the anti-trust laws or abridge the rights of a dissenting stockholder.

House Bill 551 amends the Texas Uniform Gifts to Minors Act to permit the donation of life or endowment insurance policies and annuity contracts to a custodian for the benefit of a minor and makes such policies and contracts authorized investments of custodial property.

The requirement that no distinction be made in taxation among national, state and private banks is embodied in Senate Bill 414.

It is unlawful, under the terms of House Bill 33, to substitute one instrument in writing for another in making a loan or securing an extension of credit. It is also illegal to induce the making of such a loan or extension of credit by use of a fraudulent instrument as part of a transaction where the title to real property is transferred or valuable improvements are placed on real property.

Debt pooling is prohibited in Texas under House Bill 124, which provides that no organization may engage in this business and declares contracts for this service to be void. "Debt pooling" is defined as a debtor's entering into a contract with a person, firm, corporation or association by the terms of which contract he agrees to deposit periodically or otherwise a specified sum of money which will be distributed among creditors of the debtor and for which service the debtor agrees to pay a valuable consideration. Exempted from the provisions of this Act are attorneys at law, state and national banks, credit unions, judicial officers, retail merchants' trade associations and non-profit associations formed to collect accounts and exchange credit information.

Senate Bill 59, which clarified and modernized the Texas Banking Code of 1943, was vetoed by the Governor. The proposed bill made many changes in the Code, one of the most controversial of which was a considerable increase in the maximum interest rates which could be charged for installment loans by state or national banks, state or federal savings and loan associations, and other corporations under the supervision of the Banking Commission of Texas.

Senate Bill 200 removes the absolute prohibition that savings and loan associations may not make loans in excess of 80 per cent of the assessed valuation of real estate upon which there is a home or homes or combination of home and business property at the time of the loan or will be as a result of the loan, plus the value of any savings account in the association, or any real estate pledged as additional collateral to secure the loan. The law also removes the absolute prohibitions on making loans on real estate other than the types above which exceed 65 per cent of the appraised valuation of the real estate plus the additional collateral mentioned and on making real estate loans for a term in excess of 25 years. However, the Savings and Loan Commissioner and the Building and Loan Section of the Finance Commission may promulgate regulations regarding these maximums.

Another provision of the law allows banks to pay out of joint accounts held by two or more persons to any person named in the account, whether or not the right of survivorship is stipulated in the contract.

The Insurance Code is amended by Senate Bill 285, which adds a new section defining a "mortgage lender" as any person, partnership, corporation or association, or any agent, loan agent, or servicing agent thereof who lends money and receives a mortgage or deed of trust on real property as security for the loan. The law regulates fees that may be charged by mortgage lenders, allowing them to require a fixed termination date on insurance and to approve the insurance company selected by the borrower to underwrite the insurance. These provisions become effective January 1, 1966.

Senate Bill 534 provides that when shares are listed on the books of a corporation in the names of two or more persons as joint owners, with the right of survivorship, the surviving joint owner has the power to transfer title to the shares and receive dividends on them. This law relieves the corporation from liability to an adverse claimant if written notice is not received by the bank or other financial institution before transfer or payment of dividends.

A procedure whereby a corporation which has forfeited its right to do business in Texas, either by action of the Secretary of State or by judicial ascertainment, may regain its charter is provided by House Bill 507. The corporation is required to pay all back taxes and must retain its liability for debts incurred between forfeiture and reinstatement.

A foreign or domestic non-profit corporation may lose its right to do business by an administrative procedure, without judicial action, under provisions of House Bill 508. Such action may be taken if the corporation does not file the reports required by law with the Secretary of State. If it does not take steps for reinstatement after such action, it can be dissolved. The purpose of the law is to relieve the state of the costs of court suits to dissolve the many non-profit corporations no longer operating in Texas.

House Bill 86 states that a direct contractual arrangement exists between an owner of real property and persons, firms, and corporations who may perform work, fabricate special material, or furnish labor or material to be used in construction or repair of certain houses, buildings or improvements on the owner's property. This makes it possible for the subcontractor to perfect a lien against the property in the same way as any other original contractor. The law also makes a false statement by any of the persons involved as to payment for labor or materials or to procure money or other things of value in connection with construction a misdemeanor.

A church vesting management of its affairs in its members need no longer provide for a board of directors in its articles of incorporation under provisions of House Bill 781.

House Bill 938 allows Texas corporations listed on the New York Stock Exchange to take advantage of the services of the Exchange by allowing transfer of title to certificates and shares of stock by entries on the books of a clearing corporation, which is defined as a corporation which has all of its capital stock held by or for a national securities exchange registered under the Securities Exchange Act of 1934.

House Bill 992, which received the Governor's veto prescribed a procedure by which a creditor could claim a dormant deposit or inactive account which did not exceed \$200 and which had been advertised as required by law. The creditor would have been entitled to claim the amount of the judgment given under court procedure, and the bank or other financial institution would have been relieved of all liability with respect to the funds.

Insurance

The 59th Legislature made a number of changes in the Insurance Code. It is amended by Senate Bill 205 by adding a new article to be known as the "Insurance Company Insider Trading and Proxy Regulation Act," which requires that any person directly or indirectly the beneficial owner of more than 10 per cent of any class of equity security, other than those classes exempted, or who is a director or officer of the company, must file a form prescribed by the Board of Insurance showing the amount of his shares. At the end of each month, he is required to file a statement as to whether there has been a change in ownership.

This law further regulates actions of beneficial owners, directors or officers to prevent them from using unfairly information they have acquired as a result of their positions in the company. Any profit they make by buying and selling, or selling and buying, company equity securities within a six-month period will inure to or be recoverable by the company, regardless of their intentions, unless the securities are obtained in good faith and in connection with a debt previously contracted. Owners, directors and officers are further prohibited from selling company securities which they do not personally own. If they own the shares, they must deliver them within 20 days after sale or place them in the mail within 5 days. Such persons may not solicit proxies or consents.

A 10-day period during which the purchaser of an accident and sickness policy may look over the insurance contract is provided by Senate Bill 378. If the purchaser is unsatisfied for any reason, he may return the policy and have the premium he has paid returned. Should he return the policy, it is as though he were never covered, and the company is relieved of all liability. The law does not apply to single-premium non-renewable policies.

House Bill 483 defines and regulates authorized investments and loans for domestic insurance companies. They may establish separate accounts and allocate to them amounts received from pension retirement or profit-sharing plans, which are to be applied to provide benefits payable in fixed or variable dollar amounts. The money may be invested in any class of investments authorized by written agreement. Income from these accounts is allocated to them in accordance with the written agreement without regard to other income or losses of the company. Further specific regulations concerning these special accounts are included in the law.

Office equipment and machines, including data processing equipment, are included in the assets of fire and marine and casualty insurance companies by terms of House Bill 430. To qualify as such an asset, the equipment must be worth at least \$2,000 and be less than 5 per cent of the otherwise admitted assets of the company. The law further provides regulations for defining such property and its depreciation.

Directors of life, health or accident insurance companies need not be stockholders, by the terms of Senate Bill 69.

After it has been in operation six years, an insurance company is required to be examined once every three years instead of once every two years, under the provisions of Senate Bill 175. Mutual life companies are also put under the same examination provisions as other insurance companies. The date for the first annual meeting of all policyholders of a mutual life insurance company is changed from the second Tuesday in March to the fourth Tuesday in April by Senate Bill 202. The law further provides that when the board of directors is composed of nine or more members, they may be elected for three-year overlapping terms. House Bill 471 is a complete restatement, with additions and revisions, of the law pertaining to operation of mutual-type insurance companies. It prescribes reporting procedures, provides for the setting and increasing of premiums, sets out conditions for the investment of funds and specifies minimum reserve requirements. Liberalization of investments for all insurance companies is provided by Senate Bill 266, which allows companies to invest in bonds of out-of-state companies and out-of-state political subdivisions.

The date for the meeting of stockholders of all insurance companies is changed from the second Tuesday in March to a date prior to April 30 of each year by Senate Bill 76.

Senate Bill 301 assures the right of an insurance company to issue individual life insurance policies insuring participants in a qualified pension or profit-sharing plan or other than a term plan without evidence of insurability.

Senate Bill 444 provides that to qualify as a fraternal benefit society for the purpose of providing insurance benefits for its members, an organization must have 500 members and 10 subordinate lodges. Such a fraternal society must also have been in continuous operation for a period of not less than five years preceding its application.

A \$500 annual fee, in addition to fees now paid, is levied on insurers for the privilege of writing credit life insurance or credit accident and health insurance by House Bill 962. The additional fee is being levied because the previous law did not provide sufficient money to administer the article of the Insurance Code which regulates credit life, health and accident insurance companies.

Powers of a conservator handling the business of an insurance company in financial difficulty are regulated by House Bill 989. The conservator may, with the approval of the Commissioner of Insurance, reinsure any part of the company's policies or certificates of insurance with a solvent insurance company. Under this law, the Insurance Commissioner is given authority to decide whether to operate the business through a conservator, liquidate it, or report it to the Attorney General for action by that official.

Senate Bill 344 expresses the legislative sense that liquidators should be continuously available and should be used for other duties in the Board of Insurance when not involved in matters related to liquidation. The law also provides that the liquidator be paid in whole or part from funds other than those of the insurer.

The Board of Insurance may charge a fee for making copies of records or papers in its office sufficient to cover the actual expense involved, under provisions of House Bill 453. The rate set by previous law, 20 cents per 100 words, was found not sufficient to cover the actual expense of reproducing the documents.

Notaries Public

The Notary Public Act of 1943 is amended by House Bill 437 to remove the restriction against appointment or reappointment to office before June 1 in odd-numbered years. Under the previous law, a notary public's term of office always began on June 1 of odd-numbered years, but a new person could be appointed at any time during the two-year term except during the five months before June 1 in odd-numbered years. Presumably, this was to keep the Secretary of State from having to go through the process of reappointing a notary immediately after his appointment was processed.

The amendatory law also establishes a procedure for reappointment of notaries public, requiring the Secretary of State to reappoint them on May 1 of each odd-numbered year. They have until May 15 to qualify for office, and reappointments become effective on June 1.

Senate Bill 221 further amends the Notary Public Act by allowing the Secretary of State to reject an application or revoke a commission for good cause. "Good cause" is defined to include final conviction of a crime involving moral turpitude, a false statement knowingly made on the application, or a final conviction for violation of laws regulating the conduct of notaries public in Texas or in any other state. Such action of the Secretary of State is taken subject to the right of notice, hearing and adjudication.

The law also provides that a person who applies for a commission must fill out and sign a form required by the Secretary of State, which includes a statement that he has never been convicted of a crime involving moral turpitude in addition to prior requirements. Fifteen days, instead of the previous 10, are

allowed for a person to appear before the county clerk after notice of his appointment. A new section is added to the Act authorizing the Secretary of State to make regulations necessary for administration and enforcement of the Act.

Examining and Licensing Agencies

Polygraph, or lie detector, operators must be licensed under the provisions of Senate Bill 97. The licensing agency is the Polygraph Examiners Board, composed of six polygraph operators appointed by the Governor and confirmed by the Senate for six-year overlapping terms.

A person may obtain a license by passing an examination administered by the board if he has completed six months as an intern and six months in a school for polygraph examiners. Alternatively, he may qualify by completing one year as an intern. Violation of the Act is punishable by a fine of not less than \$100 nor more than \$1,000, or by imprisonment in the county jail for a term of six months, or both.

The requirement that professional sanitarians must be registered by the State Board of Health is included in Senate Bill 333. No person may engage or offer to engage in work in the field of sanitation or represent himself to be a "sanitarian" unless he is a registrant in good standing with the board. A person who applies within six months after the effective date of the law, submits satisfactory evidence that he has been a resident of the state for at least a year immediately preceding the date of application and that he was employed in the field of sanitation for one year prior to the effective date of the Act may be registered. Thereafter, applicants for registration must have not less than one year of full-time experience in the field of sanitation and must have completed training in the basic sciences and/or public health to the extent deemed necessary by the board. Educational requirements are in accordance with those set forth in the State Position Classification Act of 1961. Registration fee is \$10, and license renewal fees are to be not more than \$10 annually. Licenses may be revoked for fraud or deceit in obtaining registration, gross negligence, incompetence or misconduct in the practice of professional sanitation. A five-member Sanitation Advisory Committee is to be appointed by the State Board of Health to assist in establishing rules and regulations under the law. Violation of the Act is punishable by a fine of not less than \$10 nor more than \$200.

The law requiring registration of professional engineers and regulating their practice is considerably strengthened by Senate Bill 74. Among its provisions is a prohibition against non-registered persons indicating that they are engineers or practicing in the field. Exempted from the requirements of this law by Senate Bill 512 are telephone company employees, who may use a job title including the word "engineer" without being licensed by the state board.

A new classification, Doctor of Podiatry (D. P.) is added to the official significations of those engaged in the healing arts by House Bill 392. Senate Bill 161 increases the annual registration fee for medical doctors from \$5 to \$10.

County attorneys as well as other officials may now institute injunction proceedings to enforce the provisions of the Veterinary Licensing Act. Before the passage of House Bill 423 this session, only district attorneys and the Attorney General had this authority.

The examination fee for Hairdressers, Cosmetologists and Manicurists was raised from \$10 to \$15 by Senate Bill 583, with the increased \$5 to be allocated to an "Examination Facilities Account" to provide more adequate examination facilities.

Senate Bill 473 authorizes the board of directors of the State Bar of Texas to reapportion the bar districts to take into account the new congressional redistricting law. It provides that 51 per cent of the membership must approve the reapportionment of bar districts.

Agriculture

The labeling of fresh meat which is imported from a foreign country and sold at wholesale or retail is required by Senate Bill 31, which will become effective August 30, 1965. The law requires that each quarter, half, or whole carcass of imported fresh meat, or any individually wrapped or packaged meat, or any tray of unwrapped or unpackaged slices of meat, including ground meat, must have a label bearing the words "Product of _____," and naming the country of origin, or other clear indication of the country of origin.

The State Department of Health is designated the administering agency, and penalties for violations are fines of not less than \$25 nor more than \$200 for the first offense and a fine of not less than \$100 nor more than \$500, or confinement in the county jail for not less than 30 nor more than 90 days, or both, for a second offense.

House Bill 60 is aimed at the eradication of swine diseases, including vesicular exanthema, foot and mouth disease of swine, and hog cholera. It authorizes the Animal Health Commission to cooperate with the federal government in programs to control these diseases.

House Bills 11 and 714 make special provisions concerning trucks, trailers, semi-trailers and similar vehicles used to harvest and market agricultural products. House Bill 11 provides that owners of trailers and semi-trailers which weigh more than 4,000 but not over 15,000 pounds and used solely to transport cotton from the place of production to the place of processing, market or storage may use such vehicles temporarily on the

highways by securing a special \$5 distinguishing license plate rather than by paying the regular registration fees. The exemption applies to such vehicles owned by cotton gins as well as individuals if their sole use is supplying farmers, without charge, with a means of transporting cotton from the place of production to a place of processing, marketing or storage.

House Bill 714 authorizes the issuance of a special 30-day registration permit for trucks, truck-tractors, trailers or semi-trailers owned by non-residents of Texas and used to transport agricultural products to points within Texas for processing, marketing or storage, or for sea or rail shipment. The destination of the vehicle must not be more than 80 miles from the port of entry into Texas.

New commission merchants dealing in vegetables and citrus fruits will be required, by the terms of House Bills 338 and 339, to post bond in the amount of \$5,000. The amount may be redetermined after six months of experience. Commission merchants already in business are required by previously existing law to post bond in accordance with the amount of vegetables or fruits purchased the previous year.

House Bill 80, requiring commercial applicators of agricultural chemicals to be licensed, was vetoed by the Governor on the grounds that its provisions were so stringent as to constitute undue regulatory hardship on an occupational group.

House Bill 99 clarifies the law regulating transportation of cotton and cotton products in areas which are quarantined because of pink bollworm infestation. Exemptions of certain flour and meal from the requirements for standard measures and labeling are provided by House Bill 1170. These requirements are made inapplicable to flour or meal sold directly to the consumer from bulk stock, flour sold to a bakery for its exclusive use, flour or meal exchanged for wheat or corn between gristmills grinding for toll for producers; and flour or meal sold for a special or limited use and packed and distributed in an identified original package of not more than five pounds.

Highways and Public Roads

Subdivisions of the state and of counties are authorized by House Bill 409 to contribute money to the State Highway Commission for use in developing roads in the donating subdivision. House Bill 539 will allow the governmental agency which holds title to land on which a freeway is located to lease the land under the elevated sections of the freeway for parking.

It is unlawful, under the provisions of House Bill 101, to remove or tamper with a barricade, sign or signal or any similar device on or adjacent to streets and highways. Violators are subject to a fine of not less than \$25 nor more than \$1,000, or imprisonment in the county jail for not more than two years, or both.

Two so-called "housekeeping" bills were passed in this area. One, House Bill 147, removes from the civil statutes an obsolete law requiring compulsory road work by males between 21 and 45 years old. Penalties for non-performance of such road work are removed from the Penal Code. House Bill 371 announces that its purpose is to clarify and not to change the previous authorization for cities and towns to issue time warrants or revenue bonds for the repair, improvement, reconstruction or replacement of an existing toll bridge or for building an auxiliary bridge.

Motor Vehicles and Traffic Regulation

The State Highway Department is authorized to issue special prestige license plates under authority of House Bill 655. The plates will be sold for a fee of \$10 in addition to the regular motor vehicle registration fee.

Senate Bill 3 increases the permissible length of trailers from 35 to 40 feet and increases the maximum permissible length of both truck tractor and trailer from 50 to 55 feet. It also repeals the previous law prohibiting more than one trailer. However, the overall length of the combination must not exceed 65 feet. Senate Bill 490 repeals a section of the Uniform Act Regulating Traffic on Highways which would conflict with provisions in Senate Bill 3.

Maximum length of vehicles hauling poles, piling or unrefined lumber from the forest point of origin to a wood processing mill is increased from 75 to 90 feet by House Bill 1089. The maximum distance permitted to be traveled by such vehicles is increased from 50 to 125 miles, and the 35-mile-per-hour maximum speed limit provision is repealed.

The Motor Carrier Act is amended by Senate Bill 470 to permit more flexibility in the definition of a "motor carrier" and extends the distance which a truck may travel without falling into this category. The term "transporting property for hire," as defined by Senate Bill 78, does not include equipment furnished by the owner when he is employed to operate equipment used to haul sand, gravel, dirt, caliche, shell, asphalt, rock, crushed stone or hot-mix asphaltic concrete when these substances have been processed by the person to whom the equipment is furnished. This exemption applies only when the substances are being transported to or from a job site of any construction project performed by a lessee for or on behalf of the federal government, the State of Texas or any of its political subdivisions, or a national defense project.

Persons transporting fresh vegetables, fresh fruits or flax straw from the places where they are produced to the point of initial processing are also excluded from the definitions of "motor carriers" and "contract carriers" by provisions of Senate Bill 73.

Senate Bill 84 is a licensing Act for motor transportation brokers. A "broker" is defined as a person who sells transportation furnished by a motor carrier for fresh citrus fruits and fresh vegetables. Licenses are to be issued by the Railroad Commission, and a broker who does business without a license is liable for a fine of \$500 or six months in jail, or both, for a first offense.

The Railroad Commission is authorized by House Bill 361 to approve deposits of United States bonds or cash by a motor carrier in lieu of bonds and/or insurance. The motor carrier may become self-insured in lieu of any coverage required other than workmen's compensation.

Foreign nations which maintain friendly relations with the United States may register one vehicle in Texas for each official representative in the state without paying the required registration fee under terms of House Bill 316. House Bill 422 exempting organizations which receive their vehicles from the United States government and have an "emergency" agreement from paying the regular registration fee was vetoed by the Governor. The bill would have allowed them to register the vehicles for a flat fee of \$5 each. Vehicles which are registered in other states and are not authorized to travel on public roads in Texas because of a lack of reciprocity with the state concerned may be issued temporary registration permits under the provisions of House Bill 1047.

The owner of a vehicle which is destroyed is entitled to a license fee credit if the prorated portion of the license fee for the remainder of the year is more than \$15, since passage of Senate Bill 572.

The Uniform Law Regulating Traffic on Highways is amended by House Bill 153 to put vehicles with a manufacturer's rated capacity of not more than 2,000 pounds in the category of vehicles which have the same maximum speed limits as passenger cars. The expressed intention of the law is to cover those trucks which are known as pickups, panel delivery trucks and carryall trucks. Persons operating such vehicles not weighing more than 2,000 pounds are not required to obtain a commercial operator's license under the provisions of House Bill 154.

House Bill 215 adds to the enumeration of persons excused from compliance with the Motor Vehicle Safety Responsibility Act officers, agents, or employees of the United States, the State of Texas, or any political subdivision of the state while driving a vehicle owned by a governmental unit in the course of employment.

Private vehicles operated by volunteer firemen answering a fire alarm are placed in the category of "authorized emergency vehicles" by House Bill 435.

The penalty for failure to surrender license and registration to the Department of Public Safety when they have been suspended or when the insurance or bond have been terminated or canceled is decreased by House Bill 871. The penalty was previously a fine of not more than \$500, or imprisonment in jail for not more than six months, or both. The fine is \$200 under provisions of the new law.

The suspension of a driver's license is now subject to executive clemency, as provided by Senate Bill 498. The court is empowered to set the duration of the suspension, and all appeals from the ruling of the trial court are de novo, as that term is used in appeals from justice of the peace to county courts.

The use of turn indicators on a moving vehicle to signal "do pass" to operators of other vehicles is prohibited by House Bill 318.

It is also unlawful, as provided by House Bill 1060, to sell a motor vehicle master key knowingly designed to fit the ignition of more than one vehicle. Violation of this law is punishable by a fine of not less than \$25 nor more than \$200.

Senate Bill 58, which provides for adding to the required data on the certificate of title for an automobile a survivorship agreement between husband and wife, is discussed in the section on "Marital Rights."

Railroads

Railroads and other carriers are declared by Senate Bill 102 not to be liable as at common law for loss, damage or injury to goods and merchandise when they are transported at a rate dependent on value declared in writing by the shipper or agreed upon in writing as authorized or required by order of the Railroad Commission.

Prior law relating to the formation of a passenger train is repealed by House Bill 604. The repealed provision prohibited the placing of baggage, freight, merchandise or lumber cars in the rear of passenger cars in forming a train and held railroad officers, agents, conductors and engineers liable for any accident or injury resulting from making up a train in the prohibited manner.

Additional mailed notices are required to be given railroad companies in annexation proceedings by House Bill 389.

Aviation and Airports

The creation, establishment, operation and maintenance of airport authorities composed of one or more counties would be permitted if Texas voters approve Senate Joint Resolution 1, which will be submitted at the general election in November, 1966. Membership of the board of directors would be based upon the proportionate part of the population in each county, and an annual tax not to exceed 75 cents on the \$100 valuation would be authorized.

The Airport Zoning Act of 1947, which authorizes the establishment and enforcement of regulations limiting the height of structures and objects of natural growth within a five-mile radius of airports, is amended by Senate Bill 458 to include not only facilities for the take-off and landing of aircraft but also facilities used for tracking or acquiring data from flight vehicles.

House Bill 43 authorizes the Texas Aeronautics Commission to grant or lend funds to incorporated cities to establish, construct, enlarge and repair airports, airstrips or air navigational facilities. At least 50 per cent of the project must be financed from other sources, and loans instead of grants are to be made where feasible. The loans are to be for terms of not longer than 20 years and carry interest at the rate of 3 per cent. The General Appropriations Bill provided \$400,000 for this purpose, but \$200,000 of the amount was vetoed by the Governor.

Purchase of a twin-engine executive-type airplane for use by the Governor or as he directs is authorized by House Bill 944. The law includes appropriations of \$275,000 for acquisition of the plane and \$150,000 for its operation during the next biennium. Use of any state-owned aircraft or state funds solely for political purposes is prohibited by the bill, and any person violating this provision is civilly liable to the state for costs incurred.

Cities

A number of bills passed this session deal with the affairs of cities, either generally or in relation to specific cities through bracket legislation.

House Bill 105 provides that a city may not enforce a restrictive covenant in deeds in subdivisions if the restriction violates the Constitution of the United States or of the State of Texas. Cities are permitted by the terms of House Bill 159 to transfer revenues from municipally operated utilities to their general funds to the extent that this is permitted or authorized in the deed of trust, indenture or ordinance securing payment of revenue bonds.

Broader powers to promote the health and safety of their inhabitants are granted cities by House Bill 314. It permits a city to require property owners to drain or fill lots, yards or other property where stagnant water is standing and to clean and disinfect areas which may be unwholesome, unhealthy or unsafe. Should the citizen fail to comply with these requirements, the city may, after notice, have the work done and charge the expense of it to the property owner, attaching a lien to the property for the amount due.

Cities, counties, villages, authorities and districts are authorized by House Bill 319 to establish regional planning commissions. Any two or more governmental units having common interests and problems may join together to make studies and plans to guide and coordinate the unified, far-reaching development of the area, eliminate duplication, and promote economy and efficiency. Included within the scope of the planning commission's work may be such matters as traffic and transportation, airports, recreation, schools, drainage, public buildings, land use, water supply, sanitation and population density.

All incorporated cities and all counties are authorized by House Bill 470 to operate and maintain parks. Cities are empowered to codify their civil and criminal ordinances and to adopt civil and criminal codes under House Bill 401. Heretofore, there has been some doubt as to the authority of cities to take these actions. Senate Bill 5 clarifies time warrant provisions for both cities and counties.

Governing bodies of home rule cities are authorized to set dates for election of city officers by House Bill 244. The same law authorizes the city and a school district located wholly or partly within its territory to hold joint elections.

House Bill 292 provides alternate methods of filling vacancies in the office of mayor or alderman. If there is one vacancy, a special election may be called or the remaining members of the city council may appoint someone to fill the vacancy until the next regular election, with the mayor voting only in case of a tie. If there are two or more vacancies, a special election must be called. A vacancy in any other city office is to be filled by appointment of the mayor, with confirmation by the city council.

Senate Bill 55, which would have required city employees and officials to be residents of the city, was vetoed by the Governor on the ground that it was an infringement on the right of home rule governments to conduct their own affairs.

The Commission on Law Enforcement Officer Standards and Education, created by Senate Bill 236, will benefit both cities and counties as well as the state at large. It is to be composed of nine persons qualified by experience and education in the field of law enforcement and appointed

by the Governor. The commission will have authority to certify law enforcement training and education programs as having attained the minimum required standards it suggests; certify instructors for law enforcement courses; direct research in the field of law enforcement and accept grants for such purposes; and recommend curricula for advanced courses and seminars in law enforcement training for institutions of higher education at the request of the Coordinating Board, Texas College and University System. The general purpose is to upgrade law enforcement officer training to help combat increased crime.

Special legislation applicable to one or a few cities grants authority for various specific cities to establish pension systems for policemen, revise Firemen's Relief and Retirement Systems, purchase water and sewer properties, erect piers, finance an international toll bridge system, construct buildings for public gatherings, build and maintain swimming pools, and acquire and maintain parks and fairgrounds.

Counties

Much of the legislation pertaining to counties is also of a local or special nature. One of the laws of general application is House Bill 627, which makes provision for the conduct of business by county commissioners under special circumstances. Ordinarily, any three members of the court, including the county judge, constitute a quorum except for the levying of a county tax. This law provides that if one of the members is incapacitated, the other four members shall constitute a quorum for levying a county tax if the member's incapacity is certified by a physician and a district court of the county approves the certification.

House Bill 45, which would have increased the fees which county clerks and clerks of county courts can charge and would have required all political subdivisions, including the State of Texas, to pay fees to county clerks for the first time, was vetoed by the Governor with the observation that many county clerks opposed it because it did not revise fees in a standard fashion.

The bond required of county clerks is increased by House Bill 125 from a minimum of \$2,000 and a maximum of \$10,000 to a minimum of \$5,000 and a maximum not to exceed 20 per cent of the maximum amount of fees collected during any previous year. Deputy clerks and other employees must be bonded in the same amount. Each county clerk must also obtain an errors and omissions insurance policy if this coverage is available. These extra surety and protection requirements were enacted because of the increasingly large sums of money handled by county clerks and clerks of county courts.

County commissioners courts are authorized by House Bill 140 to increase the maximum compensation of enumerated county officers not to exceed 20 per cent of the maximum sum authorized by prior law.

The law relating to competitive bids in county purchasing is amended by House Bill 146. It changes present law to require that publication of the first advertisement for bids must precede the last day for receiving bids by at least 14 days, rather than simply requiring that the county auditor shall advertise for two weeks.

Counties of 74,000 or more population are authorized by House Bill 311 to engage the services of purchasing agents. They are to be appointed for a two-year term by a board composed of judges of the district courts and the county judge. These officers will make all county purchases except those required by law to be made by competitive bid.

Additional compensation for certain justices of the peace is authorized by House Bill 619. Raises are provided for certain justices of the peace who are licensed to practice law and who maintain an office in the courthouse open during regular working hours.

House Bill 847 authorizes counties to acquire land for garbage disposal or a public dumping ground. Commissioners courts are empowered to choose the sites and purchase them with money from general funds of the counties. All counties may contract with volunteer fire departments outside the corporate limits of cities or towns for fire protection in unincorporated areas under provisions of House Bill 1057. Such protection is to be provided at county expense.

All taxing authorities using the services of county tax assessor-collectors must furnish that officer with the tax rate adopted for the succeeding year before July 20 of each year, according to the requirements of Senate Bill 549. If the adopted rate is not furnished by that deadline, the assessor-collector will assume it is the tax rate adopted for the preceding taxable year.

Regulation of motor vehicle traffic and littering of beaches in Gulf Coast counties is authorized by Senate Bill 152. It establishes a procedure for notifying the public of such orders and provides that a duly adopted order shall prevail over conflicting state law in such instances. Penalties for convictions are \$50 for the first offense, \$200 for the second offense, and not exceeding \$500 or 60 days in jail, or both, for subsequent offenses. Cities in Gulf Coast counties will still control such matters within their corporate limits.

Local and special laws authorize certain counties, among other things, to buy two-way radios, to operate and regulate courthouse parking lots, to issue commercial building permits, to increase the salaries of county officials and provide them with designated fringe benefits, to furnish cars and provide car allowances for county commissioners and county officers, and to provide suitable places for holding elections at county expense.

Marriage and Divorce

The judge of any court of record is now authorized to celebrate marriage rites by House Bill 463. Previously, only district and county judges, in addition to clergymen and justices of the peace, were authorized to perform such ceremonies.

Senate Bills 365 and 366 provide that the consent of either parent for the marriage of a minor is sufficient. Previous law had specified "the parent or guardian" of the minor.

House Bill 758 amends the statute relating to grounds for divorce to provide that adultery by either husband or wife is a sufficient cause. Previously, the wife need only to have been taken in adultery once, whereas the husband must have abandoned the wife and lived in adultery with another woman.

Child Support and Protection

Texas joined the lead of a number of other states this year when it enacted legislation to help protect the so-called "battered child." Senate Bill 225 provides that any physician who examines or treats a child under the age of 18 for any injury which he believes is not accidental and which is due to maltreatment and neglect may report that fact to the judge of a juvenile court, the district or county attorney, the probation officer or any local law enforcement agency. The doctor so reporting is made immune from civil and criminal liability.

At least 18 states had such laws prior to convening of state legislatures in 1965, and at least 14 other states in addition to Texas adopted it this year. In recent years, increasing attention has been devoted to the child who has suffered injury at the hands of his parent or guardian, and Texas is now prepared to try to cope with this medical and social problem.

If parents live together, either the mother or the father may be appointed guardian of a child's estate under the provisions of Senate Bill 63, which does away with discriminations against the mother in this respect. The father remains the natural guardian of the children, whichever parent is appointed guardian of the estate. In the event of a disagreement, or if the parents do not live together, the determination is to be made by the court in the best interest of the child. If one parent is dead, the survivor is both the natural guardian and the guardian of the child's estate.

Adoption records filed with the State Department of Public Welfare and licensed child-placing agencies are declared to be confidential by Senate Bill 354. Similar records filed in the courts have had the protection of confidentiality under law, but records on file with the State Department of Public Welfare and child-placing agencies have not heretofore been so restricted. This law will enable persons responsible for these records to decline to supply information requested except for certain restricted purposes, such as dependency hearings.

Senate Bill 376 will entitle the totally disabled child of a deceased fireman covered by the Firemen's Pension Fund to continue receiving any pension allowance to which he is entitled as long as he is disabled. If the child is totally disabled by either mental or physical condition and was over the maximum age to receive the pension allowance at the death of the parent, he is entitled to receive the allowance to which he would have been entitled had he been under maximum age at the time of the parent's death.

By the passage of House Bill 138, Texas adopted the revised Uniform Reciprocal Enforcement of Support Act, the purpose of which is to improve and extend by reciprocal legislation the enforcement of duties of support and to make the law in this regard uniform throughout the United States. The law will promote the enforcement of reciprocal support actions and alleviate hardships which are caused when parents declared by courts to be responsible for the support of their children move to other states.

House Bill 1061 permits child-placing agencies to charge a reasonable fee for adoption or placement, care and custody, or other child-placing activities to the parents or other persons responsible for the child involved, or to the foster parents receiving the child. Such agencies have previously been prohibited from charging any fees for these services.

Senate Bill 384, which concerned the appointment of county child welfare boards, was vetoed by the Governor.

Juveniles and Juvenile Delinquency

The Uniform Interstate Compact on Juveniles was adopted in Texas by House Bill 531. The states which are party to the compact agree to cooperate for the welfare and protection of juveniles and of the public concerning (1) cooperative supervision of juvenile delinquents on probation or parole; (2) the return, from one state to another, of delinquent juveniles who have escaped or absconded; (3) the return, from one state to another, of non-delinquent juveniles who have run away from home; and (4) additional measures for the protection of juveniles and of the public which any two or more of the participating states may find it desirable to undertake.

The training school for delinquent colored girls at Crockett is renamed "Crockett State School for Girls" by Senate Bill 398.

House Bill 444 provides for the transfer, at the discretion of the judge of the juvenile court, of certain cases from the jurisdiction of the juvenile court to the jurisdiction of courts having jurisdiction over adults. A juvenile offender who is 16 years of age or older and who has committed an offense which would be a felony if committed by an adult may be transferred by the juvenile court to the jurisdiction of another court and be subject to penal laws and criminal prosecution.

By terms of Senate Bill 42, parents of children between the ages of 10 and 18 are liable for damages caused by their children up to a maximum of \$5,000.

Several new juvenile boards were established by this Legislature, including one in Van Zandt County by House Bill 693, one in Ector County by House Bill 831, one in Bosque County by Senate Bill 271, one in Comanche County by Senate Bill 272, and one in Coryell County by Senate Bill 274. Harris County is authorized to have a juvenile board, a chief juvenile probation officer and a probation department by Senate Bill 459, and Senate Bill 460 creates the "Juvenile Court of Harris County," which is to have concurrent jurisdiction with the district and domestic relations courts in all cases involving delinquent, dependent and neglected children.

Passed by the Legislature but vetoed by the Governor at the request of its sponsors because it had an "unintended result" was Senate Bill 167, which would have prohibited not only purchase and transporting of alcoholic beverages by persons under 21 but would have made it illegal for a person under the age of 21 to consume such beverages except in the home of his parents or adult spouse, with the consent and supervision of the parent or adult spouse.

House Bill 151 makes it illegal for a person to purchase for, give, or knowingly make available to a person under 21 alcoholic beverages unless the person making such beverages available is the parent, guardian or adult spouse of the person under 21. Parents, legal guardians or adult spouses may not furnish alcoholic beverages to persons under 21 except for consumption in the actual visible and personal presence of the person so purchasing. Any other person who provides alcoholic beverages to a minor or a person who does so for consumption under prohibited circumstances is in violation of the law and may be punished, upon conviction, by a fine of not less than \$10 nor more than \$100.

House Bill 205 lowers from 19 to 18 the minimum age above which minors may have their disabilities of minority removed and be held of full age for all legal purposes, except as to the right to vote.

Elections and Voting

Assuming that it has not been nullified by federal law or court decisions by that time, Texas voters will have yet another opportunity to repeal the poll tax as a requirement for voting in state and local elections on November 8, 1966. By passage of House Joint Resolution 13, the 59th Legislature has submitted to the people another constitutional amendment to repeal the poll tax as a requirement for voting. An amendment to the federal constitution has already prohibited the requirement of poll tax payment for voting in federal elections.

Another proposed constitutional amendment to be submitted at the same time, House Joint Resolution 24, would allow persons who are qualified in all respects except for meeting county or district residence requirements to vote on electors for president and vice president, all state-wide offices, and all questions or propositions of state-wide significance. Persons who do not meet the requirements for length of residence in the state but who are otherwise qualified would be permitted to vote on electors for president and vice president. Due to the greatly increased mobility of the population of this country, a great number of persons cannot vote on state and national candidates and issues in such elections because of residence requirements, and this amendment would remedy the situation.

Redistricting and other factors brought about the necessity for a number of changes in the Election Code. House Bill 114 amends the code in a variety of ways. It prohibits the inclusion of all or part of more than one congressional, senatorial or representative district in the same election precinct, provides for the adjustment of election precinct boundaries when they are improper, provides additional methods of furnishing ballots for those voting only in federal elections, and authorizes absentee voting on the last Saturday and Sunday of the absentee voting period.

Changes of boundaries of commissioners and justice of the peace precincts made necessary by redistricting are authorized by Senate Bill 404. Changes must be made by the commissioners courts of counties effective on a specified day not later than January 1 following the next general election. Provision is also made in the law for persons in office to continue serving out the terms for which they were elected, even though they no longer reside in the new justice of peace or commissioners precinct.

Federal court decisions have had an impact on a number of changes in Texas election laws. A federal court decision prompted House Joint Resolution 38, which would delete from the Texas Constitution the provision that a person in military service may vote only in the county from which he entered service. The proposed amendment will be submitted to voters on November 8, 1966. The corresponding statutory provision is repealed by House Bill 258, which permits a person in military service to vote in Texas if he meets residence and other requirements.

Under provisions of House Bill 682, applications for poll tax receipts and exemption certificates will be deemed to have been received by the tax collector by the February 1 deadline if they are postmarked on or before January 31 and delivered on or before February 5. The Governor vetoed House Bill 940, authorizing certification of poll tax deputies in certain counties by the county commissioners or county judge to the tax assessor-collector. Under general law, the tax assessor-collector appoints his own deputies.

House Bill 150 changes the date upon which returns are canvassed for the Senate and House of Representatives to the Monday before the second Tuesday in January following the election. It also provides a procedure by which candidates for state senator or representative may contest election returns.

Filing fees for candidates for state representative and state senator in Tarrant County are reset by House Bill 365, and House Bill 468, resetting the fees in Bexar County, was vetoed by the Governor because of a faulty caption. House Bill 496 provides for run-offs in special elections for state senator and state representative. A candidate for either of these posts must receive a majority of votes to take office.

Courts and Court Officers and Employees

Two constitutional amendments concerning the courts were approved by the 59th Legislature. House Joint Resolution 57, which will be submitted to the voters on November 2, 1965, would provide for the automatic retirement of judges at the age of 75 or at an earlier age, not under 70, to be set by the Legislature. The amendment would also create a State Judicial Qualifications Commission with the duty to investigate disability or misconduct of district and appellate judges and make recommendations to the Supreme Court, which would have the power to retire judges for disability or remove them for misconduct.

Senate Joint Resolution 26, which will be submitted to the electorate in November, 1966, would increase membership of the Court of Criminal Appeals from the present three to five.

A retired judge may be appointed by the Governor for a four-year term as presiding judge of an administrative judicial district since House Bill 218 was enacted. The judge must have retired voluntarily, must reside in the district and must have certified his willingness to serve. Such appointments are subject to confirmation by the Senate.

The beneficiary of a retired judge who dies before receiving retirement pay or benefits equal to the amount of his total contributions would receive the balance of such contributions under terms of House Bill 779. Should the judge die without having named a beneficiary, his heirs or legal representative would have two years from the date of his death in which to claim the sum.

Salary increases of \$4,000 a year for 221 judges in the state court system were included in the General Appropriations Bill. House Bill 1107 authorizes differential pay for a district judge holding court outside his own district. Such additional pay is to be in an amount not to exceed the difference between the pay of the visiting judge from all sources, exclusive of per diem, and the pay from all sources of the judge of the court to which he is assigned. The difference is to be paid by the county after approval by the presiding judge of the administrative judicial district.

The requirement that annual statements of fees must be filed with the State Auditor by district, county and precinct officers is repealed by Senate Bill 392. No officer has any authority to revise or question the reports, and, while their preparation requires a great deal of time and expense, they serve no purpose either for the officer preparing or receiving them.

Several new courts were created by this Legislature. Senate Bill 127 creates the 137th District Court in Lubbock County, the Criminal District Court No. 5 in Dallas County, the 171st District Court in El Paso County and the Criminal District Court No. 3 in Tarrant County. A second domestic relations court is provided in Tarrant County by House Bill 587, and House Bill 588 changes the name of the present Tarrant County Domestic Relations Court to designate it No. 1 and provides for the appointment of court reporters by the juvenile board. A domestic relations court is established in Brazoria County by House Bill 428 and a similar court in Midland County by House Bill 1158.

Also created by the 59th Legislature are the County Court at Law of Orange County by House Bill 790, the County Court No. 1 in Galveston County by Senate Bill 471, and the County Court at Law No. 2 of Jefferson County by Senate Bill 371. The 20th and 85th Judicial Districts are reorganized by House Bill 350.

Civil and Criminal Procedure

The most important accomplishment in this area was adoption of the revised Code of Criminal Procedure by the passage of Senate Bill 107, thus modernizing this body of law which has not had a general revision since 1925. An interim committee is established by House Concurrent Resolution 168 to study the problem raised by one of the most controversial points in the Code, which concerns the rights of news representatives in reporting on accused persons and court proceedings. The group will consist of 11 members, three from the House of Representatives appointed by the Speaker, three from the Senate appointed by the Lieutenant Governor, three representatives from the news media and two representatives of the State Bar of Texas, the latter five to be appointed by the Governor.

House Bill 345 grants an exemption from jury service to either husband or wife when both are summoned to serve on the same jury panel. The same law also exempts optometrists from jury service.

The per diem of grand juries and certain petit juries is increased by House Bill 849. Previous law provided not less than \$4 nor more than \$5 for each day or fraction of a day a person attends court as a juror. The maximum is now \$10. A person responding to process but excused from jury service is entitled to not less than \$4 nor more than \$5. The previous maximum was \$4. Persons serving in justice of the peace courts can now receive \$1 per case instead of the previous 50 cents, and the maximum for each day or fraction of a day is raised from \$1 to \$2.

A number of additional counties are authorized by bracket legislation to use jury wheels.

County courts with original criminal jurisdiction may grant probation in misdemeanor cases under House Bill 395. The court is authorized to determine the period and terms of the probation under certain prescribed conditions.

Judgment for attorney's fees in forcible entry and detainer suits is provided by House Bill 368. House Bill 398, passed to allow a judgment for attorney's fees in trespass to try title suits, was vetoed by the Governor.

House Bill 421 would permit the introduction in court of affidavits and other instruments, including judgments of courts of record, in suits involving title or seeking a declaration of heirship. Under the rules of evidence, such documents previously could not be introduced if objection was made. The title to much Texas land is dependent upon proof of heirship, and often the witnesses to make such proof have died. For this reason, introduction of other proof into evidence was authorized.

House Bill 285 provides that in counting the 20 days allowed for filing objections to decisions in eminent domain proceedings, the last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday.

The effects of adjudication in the lower trial courts on proceedings in higher courts will be restricted by the provisions of House Bill 68. It provides that a determination of law or fact in a lower trial court shall not constitute a basis for estoppel by judgment in a higher court, except that the judgment is binding on the parties thereto as to the recovery or denial in that particular case. Probate, guardianship, lunacy, and other matters over which the lower courts have exclusive jurisdiction on a basis other than the amount in controversy are not affected.

Criminal Law

A merchant who detains a person in order to investigate whether the person has shoplifted is relieved of liability under House Bill 126, which also expands the scope of the present law to cover the shoplifting of articles valued at more than \$50 and increases the penalty for shoplifting articles worth less than \$50.

Use of the telephone to harass, abuse or intimidate another person is made a misdemeanor offense by House Bill 391. Abusive or obscene language may not be used on the telephone except in the course of a lawful business conversation. The penalty for this offense is increased from a fine of not less than \$5 and not more than \$100 to a fine of not less than \$100 nor more than \$1,000, or not less than a month nor more than one year in jail, or both.

House Bill 133 makes it unlawful to tattoo any person under 21 years of age. Violation of the law is punishable by a fine of not less than \$10 nor more than \$200, or by six months in the county jail, or both.

Mobile home parks are added to the category of transient dwelling places from which it is illegal to depart without paying the bill by House Bill 687.

Where death is occasioned by arson and wilful burning, the offender is declared guilty of murder by Senate Bill 147. If the evidence fails to show that the death was occasioned with malice aforethought, punishment is confinement in the penitentiary for life or for any term of years not less than two.

The law relating to passing worthless checks is amended by Senate Bill 362 to provide that the state may establish intent to defraud by direct evidence. The amendatory Act also changes the penalty for violation from imprisonment not exceeding two years and a fine not exceeding \$1,000 to imprisonment not exceeding two years or a fine of not more than \$1,000, or both.

The Penal Code prohibition against the possession of gambling paraphernalia is amended by Senate Bill 370 to exclude pinball machines which mechanically confer the right of replay. Replays are excluded from the definition of "money, property, or other valuable thing" in all related statutes.

It is a felony for felony and misdemeanor prisoners to escape from custody under provisions of Senate Bills 27 and 28, respectively. A felony prisoner who escapes is subject to a penalty of confinement in the penitentiary for not more than five years. If he uses a firearm or deadly weapon in the escape, the penalty is confinement in the penitentiary for not less than 5 nor more than 15 years. An escaped misdemeanor prisoner is subject to a penalty of not less than six months nor more than two years in jail. Use

of a firearm or other deadly weapon in the escape will make him subject to the same penalty as the felony prisoner who escapes in this manner.

Punishment for simple assault and assault and battery is increased by Senate Bill 335. The maximum penalty which may be assessed is raised from \$25 to \$200. The minimum remains \$5.

A hiatus in the criminal laws concerning punishment for the offense of swindling is removed by Senate Bill 479 to make the penalty prescribed conform to the Penal Code definition of this offense.

Persons who have paid fines or served sentences for crimes which they did not commit may be compensated under the provisions of House Bill 904.

The obsolete law which makes it an offense to exhibit women dancers who travel from place to place is repealed by House Bill 366. House Bill 450 prohibits betting on roping contests. The law does not apply to tests and trials of skill if the contestant does not drag the animal before dismounting from the horse.

Public Health

In addition to being given sole responsibility for the tuberculosis eradication program in Texas, the State Board of Health was assigned several additional new functions by the 59th Legislature. Among these is the establishment by House Bill 893 of a program of testing newborn infants for phenylketonuria (PKU), a disease caused by a genetic defect. It can result in mental retardation if not detected and treated promptly. The department is also given the responsibility by House Bill 362 for administering the new air pollution control law. The "Clean Air Act of Texas" creates a nine-member Texas Air Control Board, which is to be appointed by the Governor for six-year overlapping terms. The membership must include a registered professional engineer with at least 10 years experience in practice, including work in air control; a physician with experience in the field of industrial medicine; a person actively engaged in management of a private manufacturing or industrial concern for at least 10 years immediately prior to his appointment; a person experienced in municipal government; two members of the public at large; the State Commissioner of Health; the executive director of the Texas Industrial Commission; and the executive director of the Texas Animal Health Commission.

The executive secretary of the board is to be an employee of the State Department of Health, and the air pollution control program is to be administered by that agency and its employees.

House Bill 194 gives the Commissioner of Health the duty to declare polluted areas from which shellfish may not be taken for sale and to establish standards of sanitation in the handling of shellfish (oysters, clams and mussels). All plants engaged in the handling and packaging of shellfish, either shucked or in the shell, must have a valid certificate issued by the Commissioner of Health. Plants currently in operation will have six months, or longer in special circumstances, to comply with the rules and regulations, and plants constructed or altered after the effective date of the law must meet the requirements to begin operation.

The State Department of Health will license maternity homes and shelters under provisions of Senate Bill 294. Convalescent and nursing homes and similar institutions are already required to be licensed under a provision of the Texas Hospital Licensing Law.

Also in the area of public health, House Bill 228 adds cantharidin and compounds structurally related to cantharidin to the Penal Code definition of "dangerous drugs."

Hospital Districts

By an amendment to the Texas Constitution in 1962, the Legislature was empowered to create hospital districts composed of one or more counties or all or any part of one or more counties. Before that time, it was necessary to submit a constitutional amendment to the people of the state to create such a district. The 59th Legislature this year authorized the creation of 23 such districts.

House Bill 701 validates the creation of all hospital districts. Other laws passed this session concern taxes levied by such districts, issuance of bonds, terms of directors and operation of parking facilities. Creation of joint city-county hospital boards, without taxing powers, is authorized by House Bill 960. This law will provide authority for the acquisition, operation, maintenance and financing of joint city-county hospital facilities.

Rehabilitation and Welfare

Three constitutional amendments having to do with welfare and rehabilitation will be submitted to the voters during the next two years. To be submitted on November 2 of this year is House Joint Resolution 81, which would enable Texas to cooperate with the federal government in providing assistance and medical care for the needy aged, needy permanently and totally disabled, needy blind, needy children, and needy caretakers of such children. In effect, this amendment would authorize Texas' participation in the federal Medicare program. Enabling legislation for this

program is contained in Senate Bill 405, which is to become effective on July 1, 1966. The bill further provides that medical care shall be extended to include the services of optometrists and that in the event medical services now provided recipients of Old Age Assistance become available through any other agency, the Department of Public Welfare is authorized to extend medical assistance for outpatient care also. Despite the effective date, the law provides that no payments shall be made unless the federal government assumes a major share of the cost of hospital care for Old Age Assistance recipients at that time.

The constitutional amendment proposed by House Joint Resolution 37, to be voted on in November, 1966, would provide state financial assistance to the surviving spouse or minor children of law enforcement officers who suffer violent death in the performance of their duties.

Also to be submitted at the November, 1966, election is Senate Joint Resolution 33, which would authorize the state to act as "middle man" in holding funds of private groups engaged in rehabilitation or other work with the mentally and physically handicapped so that they can be matched by federal funds available for this purpose.

Preference in state purchasing is to be given products of workshops for the blind, visually handicapped, mentally retarded or physically handicapped under provisions of House Bill 466. Previous law provided preferential purchasing for products of blind persons only, and the amendatory Act adds additional categories of handicapped persons.

House Bill 268 removes the requirement that a child receiving services under the Crippled Children's Program must be of normal mentality. The law also provides that when a child receiving medical or surgical care under this program or the Cardiac Program dies, the state will pay costs of embalming, a casket, transporting the body and other necessary expenses.

The term "permanently and totally disabled" is redefined in House Bill 519 to permit more needy persons to qualify for state aid. Under the previous law, there were many persons who were permanently and totally disabled by reason of mental or physical impairment but who, although totally unable to meet their needs, could not qualify for state aid. Previous law required that the recipient of aid be completely invalid--helpless, bedfast, chairfast, or in need of considerable help in moving about, in need of constant supervision and personal care by others, and unable to participate in vocational rehabilitation. Under the new law, a person is eligible for benefits if he is totally disabled, as demonstrated by the fact that his functional capacity is extremely limited to the extent that he requires considerable assistance from another person in the normal activities of daily living and is permanently precluded from engaging in any useful occupation, either as a homemaker or wage earner.

The Department of Public Welfare is designated by Senate Bill 163 to administer the federal Economic Opportunity Act of 1964 in Texas and to work

with the U. S. Department of Health, Education and Welfare in administering the program to combat poverty. The law further authorizes the acceptance and expenditure of federal money for the program and establishes a special "Economic Opportunity Fund-Welfare" in the State Treasury.

A number of laws were enacted by the 59th Legislature to improve and strengthen programs for the education and rehabilitation of the blind. The appropriation to the State Commission for the Blind was substantially increased, and Senate Bill 527 expands its responsibilities to include the keeping of a complete register of blind and visually handicapped persons in the state. House Bill 188 gives blind persons and those with other handicaps priority for the operation of vending facilities on state property, other than institutions of higher education and property which is maintained wholly or in part by the federal government.

Military Affairs and Veterans' Benefits

The revision of laws relating to the state military forces which was begun by the 58th Legislature is completed by House Bill 410. It includes provisions relating to and clarifying the duties, rights and authority of the State Militia, State Military Forces and the Texas State Guard.

The constitutional amendment and statute authorizing voting by members of the armed forces are discussed in the section on "Elections."

House Joint Resolution 5, to be submitted to voters on November 2, 1965, will, if approved, continue the Veterans' Land Program by authorizing the issuance of additional bonds to a total of \$400 million. House Bill 25 is the enabling legislation for this amendment, and its effect is contingent on adoption of the constitutional change.

A guardian is authorized by Senate Bill 503 to purchase or to continue in effect life, term, or endowment insurance and annuity policies administered by the Veterans Administration, subject to certain conditions and limitations. The guardian must apply to the court for authority to make such an investment, and the contract may not be amended or changed without court permission. The person upon whose life the insurance is issued and the beneficiary of the policy must be among the persons specifically listed in the law. If the policy was in effect at the time of the appointment of the guardian, it may be continued under specified conditions.

Labor and Industrial Safety

The Texas General Arbitration Act, concerning the enforcement of certain arbitration agreements between labor and management, is set forth in House Bill 379 which amends and revises Part I, Title 10 of the Revised Civil Statutes entitled "Arbitration." None of the provisions of the Act apply to matters dealing with insurance contracts or construction contracts or related documents. The law becomes effective on January 1, 1966, and does not affect the enforcement of arbitration agreements made before that date.

The list of boilers exempt from statutory regulation is revised by Senate Bill 77, eliminating from the enumeration boilers on which the pressure does not exceed 15 pounds per square inch gauge steam or at pressures not exceeding 160 pounds per square inch and temperatures not exceeding 250°F for water. Such boilers were formerly not subject to regulation unless they were located in public or private schools, colleges, universities or county courthouses.

Workmen's Compensation

House Bill 592 authorizes an employer to provide workmen's compensation benefits for his executives by including them for insurance coverage as employees. This new law applies to all corporations, including charitable, religious, educational or other non-profit corporations not specifically exempted and which subscribe to the Workmen's Compensation Law. House Bill 591, authorizing an employer to provide workmen's compensation benefits for employees not required by law to be covered, was vetoed by the Governor at the request of the author because it failed to accomplish the intended purpose.

Maximum funeral expenses allowed for a deceased employee covered by workmen's compensation are increased from \$250 to \$500 by House Bill 1071. The law also provides that these funeral expenses, regardless of to whom they are paid, are to be in addition to the compensation due the beneficiary or beneficiaries of the deceased employee. Under the previous law, such expenses were payable out of the compensation due the beneficiary or beneficiaries.

Unemployment Compensation

A number of sections of the Texas Unemployment Compensation Act are amended by Senate Bill 316. The changes are primarily administrative and technical. They concern oaths and witnesses; evidence; collection of contributions; classification as a debt of any taxes, penalties, interest, and court costs owed an employer under a final judgment; and providing comity with other states in collecting contributions and other amounts due.

Industrial Development and Foreign Trade

The Texas Industrial Commission was given an increased appropriation for next biennium. It will have available more than \$900,000 for operation during the next two years--an increase of about \$260,000 over present spending levels.

Part of this increase will make possible addition to the Industrial Commission staff of a director of export development to help promote foreign sales of Texas products.

Another measure designed to encourage and promote industrial development is Senate Bill 182, which provides that aliens may own real and personal property in Texas in the same way as citizens of the United States. This will permit Texas to compete in attracting plant locations of foreign corporations with international operations as well as those of U.S.-based industries.

Authority for the creation of foreign trade zones in Laredo, McAllen and Harlingen is provided by Senate Bills 325, 505 and 585, respectively.

Senate Bill 532 is a bracket law authorizing the county judge of Galveston County to appoint a county industrial commission of seven members to study, promote and develop business, industry and commerce.

Tourism and Recreation

Appropriations to the Texas Tourist Development Agency are almost doubled for next biennium. It has been provided with well over a million dollars for the two-year period--better than \$480,000 more than for the current biennium. Most of this extra money will be spent on media advertising in an effort to bring more tourists to Texas. Expressing its conviction that the 1968 HemisFair in San Antonio, along with the Olympics in Mexico City that same year, will be a powerful drawing card for tourists, the 59th Legislature, by passage of Senate Bill 166, provided \$4.5 million for the construction of a permanent state exhibits building on the HemisFair site.

Well over a million dollars a year for the next biennium has been provided for the improvement and repair of state parks to make them more comfortable and attractive both for Texas residents and tourists. Among the facilities to be built are screened and group shelters, camp and trailer sites, picnic units, roads, water and electrical systems and rest rooms. Goliad, Eisenhower, Kerrville, Stephen F. Austin, Tyler, Palo Duro Canyon, Governor James Stephen Hogg Memorial Shrine, Davis Mountain, Old Fort Parker, Meridian and Bastrop State Parks are among those designated for special attention.

The Parks and Wildlife Department which administers the state parks is designated by Senate Bill 165 as the state agency to cooperate with the

federal government in the administration of the "Land and Water Conservation Fund Act of 1965" to promote development of outdoor recreation facilities. The department will receive federal funds available for this purpose and is authorized to prepare and keep up-to-date a comprehensive state-wide plan for the development of outdoor recreation resources in Texas. It is also empowered to acquire, develop and maintain such areas and facilities.

A portion of unclaimed motor fuel tax refunds, which are authorized for purchasers of such fuel not used to propel vehicles on the public highways of the state, are allocated by House Bill 309 for use in acquiring land for recreational purposes and for enforcement of the Texas Water Safety Act.

In an effort to encourage private citizens to permit use of their premises for outdoor recreation purposes, House Bill 73 defines and limits the liability of an owner, lessee or occupant of real property who gives permission to others to hunt, fish or camp on the property.

Game and Fish

Prior to this session, the wildlife resources of 152 of the 254 Texas counties were under the complete or partial control of the Parks and Wildlife Department. In his message to the 59th Legislature, Governor John Connally recommended that all counties be placed under the regulatory authority of the department. During the session, 14 bills were passed placing 31 additional counties under such regulation, and by the provisions of House Bill 1068, the Somerville Reservoir, located in Burleson, Lee and Washington Counties, was also brought under the department's control.

In addition, approximately 40 bills were passed regulating hunting and fishing in individual counties not under the regulatory authority of the Parks and Wildlife Department.

General laws passed this session include House Bill 137, prohibiting the licensing of fishing or shrimping vessels for the territorial waters of Texas if they are owned in whole or part by any alien power or any subject or national of an alien power. Also barred from securing such licenses are persons who subscribe to the doctrine of international communism and those who have signed a treaty of trade or friendship and alliance or a non-aggression pact with a foreign power.

House Bill 158 requires a 25-cent fee for the issuance of exemption hunting licenses, and the Parks and Wildlife Department is authorized to negotiate reciprocity agreements with other states relating to hunting and fishing license fees by terms of House Bill 434.

By passage of House Bill 509, the Legislature authorized the Parks and Wildlife Department to participate in research and development of commercial fisheries under provisions of the federal Commercial Fisheries Research and Development Act of 1964.

Taking of sponge crabs from coastal waters is prohibited by House Bill 907. Species of animals not indigenous to the state or any part of the state are exempted from classification as game animals by House Bill 613. Aoudad sheep are designated game animals in Armstrong, Briscoe, Floyd, Randall and Motley Counties only. Provisions of House Bill 541 allow game wardens, as well as peace officers, to enforce the law which prohibits shooting on public roads.

Marital Rights

Much work was done on women's rights during the 59th Legislature, but the so-called "equal rights for women" amendment to the Texas Constitution and a number of other measures introduced on this subject did not complete their way through the legislative process.

House Simple Resolution 182 authorizes an interim study of women's rights by the Texas Legislative Council. An advisory committee of five men and five women will be appointed to work with the Council on how best to resolve the problems of differences in legal status because of sex.

A married woman may sue alone, without the joinder of her husband, for the recovery of her separate property or the special community property under the provisions of House Bill 754. If she sues alone, her petition must distinctly allege the facts which constitute the property sought to be recovered as her separate property or as the special community property. The same law provides that the wife may be sued alone or jointly with her husband in all suits for debts or torts of or demands against the wife. In a suit in which the husband is not a party, no personal judgment may be rendered against him, unless he is also liable, and no judgment rendered in a suit against the wife alone is enforceable against community property other than the special community property.

House Bill 756 amends the Code of Criminal Procedure to omit the disqualification of a married woman as surety on a recognizance or bail bond.

A right of survivorship agreement may be made between husband and wife at the time they secure a certificate of title on a motor vehicle, under provisions of Senate Bill 58. Both husband and wife must sign the agreement, and the certificate of title will carry the names of both. If one dies, the State Highway Department will issue a certificate of title to the surviving spouse upon being provided with a copy of the death certificate.

Distribution of property and insurance policies in the case of simultaneous death is provided by Senate Bill 280. Primarily, the legislation changes the case law enunciated in Brown v. Lee by the Texas Supreme Court. It provides that in case of simultaneous death, one-half the community property, including life and accident insurance, shall be distributed as though the wife had survived and one-half as though the husband had survived.

The Probate Code is amended by Senate Bill 520 to change the amount of bond required by a surviving spouse for community property administration. Previous law required a sum equal to the gross value of the community estate with two sureties or one-half the gross value with an authorized corporate surety. The new law requires bond on two sureties, or one authorized corporate surety, in an amount deemed by the judge to be adequate in all circumstances.

State Officials and the Legislature

If the voters approve the constitutional amendment proposed by House Joint Resolution 1 on November 8, 1966, legislators will take office on the second Tuesday in January of odd-numbered years, the day set by statute for convening of the Regular Session of the Legislature. Currently, legislators may take office after certification of their election. House Bill 150, discussed in the section on "Elections," conforms to the provisions of this amendment by changing the date for canvassing the votes of senators and representatives to the day before the Legislature convenes.

The 39-member Senate proposal to be submitted on September 7 is discussed in the section on "Redistricting."

Four-year terms, instead of the present two-year terms, would be authorized for members of the House of Representatives if Senate Joint Resolution 47 is approved by the voters on November 2, 1965. Present two-year terms of the Governor, Lieutenant Governor and other officials elected statewide, including the Attorney General, Comptroller, Treasurer, and Commissioner of the General Land Office, would also be increased to four years by Senate Joint Resolution 14, to be submitted on the same date. Also on the ballot for voter approval will be House Joint Resolution 8, permitting the Legislature to fix an annual salary for the Lieutenant Governor and the Speaker who preside over the Senate and House of Representatives, respectively. The amendment would also increase per diem for legislators from \$12 to \$20 and permit them to receive this amount for the entire 140 days of the regular session. Under the present constitutional provision, per diem is paid only for the first 120 days.

A person who was an elected state official and completed an entire term of office as a member of the 57th Legislature is entitled, under provisions of Senate Bill 217, to become a member of the State Employees Retirement System. A person electing to become a member of the retirement system under this law must do so before September 1, 1965.

State Finances--Spending and Taxing

The General Appropriations Bill (House Bill 12) for the biennium beginning September 1, 1965, and ending August 31, 1967, is the largest in state history. It calls for expenditures of 3.65 billion dollars, nearly 500 million dollars more than the total for the 1963-65 biennium. These figures do not include the teacher pay raise, which will cost the state about 70 million dollars during the next two years, nor other expenditures authorized by special appropriations bills. Exclusive of the teacher pay raise, expenditures authorized in this way totaled approximately 8.8 million dollars and covered such things as the building at the HemisFair, small claims against the state and instructional television financing. These and other special appropriations have been discussed throughout this summary.

A general breakdown of the General Appropriations Bill indicates that about 46 per cent of the total will go for education; 48 per cent for executive, legislative and administrative departments and agencies; and 5 per cent for public health, hospitals and youth institutions. Only .3 per cent will be expended by the judiciary and .17 per cent by the Legislature.

The 1.7-billion-dollar expenditure for education, exclusive of the teacher pay raise, has already been discussed in previous sections of this summary. Other increases include 3.4 million dollars in additional funds for vocational rehabilitation and nearly 4 million dollars more to the Texas Youth Council over last biennium's allocations. Salary increases for state employees in classified job positions will cost about 9.8 million dollars from all funds during the next two years.

In terms of increases over the 1963-65 biennium, the judiciary will receive 24 per cent more; public health, hospitals, special schools and youth institutions, 20 per cent more; state departments and agencies, 10 per cent more; education generally a 16-per-cent increase; and the Legislature a 13-per-cent increase.

To provide the extra money needed for teacher pay raises and other expenditure items in addition to the General Appropriations Bill, it was necessary to increase taxes in narrowly limited areas. The Texas Constitution has a "pay as you go" provision which does not, fortunately, permit this state to indulge in deficit financing. Therefore it was necessary to increase the cigarette tax three cents to a total of 11 cents per package and to make revisions and administrative changes in the inheritance tax to produce temporary increases in the revenue from that source. These changes are accomplished by House Bills 1181 and 1182, respectively.

Driver education vehicles are exempted from the state sales tax by provisions of Senate Bill 47. Oleomargarine produced from other than animal or vegetable sources is subjected to a tax by Senate Bill 75. House Bill 164 bars the collection of ad valorem taxes due for any period prior to December 31, 1939. The latter law becomes effective July 1, 1966.

Statutory penalties provided in connection with administration of the motor fuel tax law are reduced by House Bill 120. The separate property of a married person must be rendered for taxation by the owner, or by the husband or wife of the owner acting as the other's agent, under provisions of House Bill 346. Recent changes in the law concerning a wife's right to manage and control her separate property have eliminated the justification for the previous law, which provided that it was the duty of the husband to render the separate property of the wife for tax purposes.

House Bill 532, which would have done away with the state's prior lien on corporate property to secure payment of franchise taxes, was vetoed by the Governor on the basis that this is often the only way in which the state can enforce the franchise tax laws. Certain educational corporations, including those organized to protect and conserve natural resources, grasslands, forests, fish, game and other wildlife, are exempted from franchise taxes by House Bill 1069.

Constitutional Amendments

The 59th Legislature approved a total of 27 proposed amendments to the Texas Constitution. Most of these have been discussed in previous sections of the summary. They will be submitted to the voters on three separate dates, as follows:

September 7, 1965: (1 amendment)

S. J. R. 44--Increasing the membership of the State Senate from 31 to 39 members.

November 2, 1965: (10 amendments)

S. J. R. 7--Exemption from local ad valorem taxes for certain charitable hospitals.

S. J. R. 14--Four-year terms for Governor, Lieutenant Governor and other officials elected state-wide.

S. J. R. 24--Increase of ad valorem tax from 42 to 47 cents and designating extra 5 cents for college buildings.

S. J. R. 27--Expanding investment authority of Texas Teacher Retirement System.

S. J. R. 47--Increasing terms of members of the House of Representatives from two to four years.

- H. J. R. 5--Issuing \$200 million more bonds for Veterans Land Program.
- H. J. R. 8--Authorizing the Legislature to set salaries for the Lieutenant Governor and Speaker of the House.
- H. J. R. 11--Setting up a college student loan fund by issuing up to \$85 million in state bonds.
- H. J. R. 57--Requiring district and appellate judges to retire at an age set by the Legislature, not younger than 70 nor older than 75, and providing for removal for misconduct.
- H. J. R. 81--Authorizing the state to conduct all programs required to implement and participate in the federal Medicare program.

November 8, 1966: (16 amendments)

- S. J. R. 1--Authorizing regional airport authorities.
- S. J. R. 4--Authorizing a state-wide retirement system for officers and employees of counties and other political subdivisions.
- S. J. R. 19--Authorizing issuance of \$200 million additional bonds for Texas Water Development Fund, to be used for loans to political subdivisions for water development projects.
- S. J. R. 26--Expanding membership of the Court of Criminal Appeals from three to five members.
- S. J. R. 33--Permitting the state to act as "middle man" in matching private funds for rehabilitation of the mentally and physically handicapped with federal funds available for that purpose.
- S. J. R. 39--Removing Arlington State College from the Permanent University Building Fund to let it participate in the joint fund used by all state-supported colleges except The University of Texas and Texas A & M.
- H. J. R. 1--Setting the swearing-in date of legislators on the first day of the legislative session instead of after certification of their election.
- H. J. R. 13--Repeal of poll tax as a requirement for voting.
- H. J. R. 21--Extending permissible terms of directors of conservation and reclamation districts from two to six years.

H. J. R. 24--Authorizing persons who are qualified voters in every way except for meeting residence requirements to vote for President and Vice President.

H. J. R. 37--Authorizing state aid for survivors of firemen and law enforcement officers killed on duty.

H. J. R. 38--Permitting servicemen to vote in Texas if they meet residence and other requirements.

H. J. R. 48--Providing a method for the dissolution of hospital districts.

H. J. R. 65--Providing that changed boundaries of a school district do not invalidate school taxes previously voted.

H. J. R. 69--Authorizing consolidation of governmental functions by political subdivisions in counties of 1,200,000.

H. J. R. 79--Requiring that farm land be assessed for taxes only on its agricultural value.